

Designation Run Report

Nathan Hartle Fact

Hartle, Nathan 08-01-2018

Plaintiffs Affirmative Designations 01:12:22

Defense Counter Designations 00:03:51

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Plaintiff Counter Counters 00:01:36

Total Time 01:25:12



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15:7 - 16:12	Hartle, Nathan 08-01-2018 (00:00:44) 15:7 Q. Could you state your name, 15:8 please? 15:9 A. Nathan John Hartle. I go by 15:10 Nate. 15:11 Q. Mr. Hartle, my name is Troy 15:12 Rafferty. I'm going to be asking you some 15:13 questions today. 15:14 Okay? 15:15 A. Okay. 15:16 Q. Who is your current employer? 15:17 A. McKesson Corporation. 15:18 Q. Okay. What is your current 15:19 position? 15:20 A. I'm currently the vice 15:21 president of compliance -- regulatory affairs 15:22 and compliance. 15:23 Q. Vice president of regulatory 15:24 affairs and compliance. 15:25 A. Correct. 16:1 Q. Is that a new position? 16:2 A. It is a new position, new 16:3 title, as of July 1st. Prior to that, I 16:4 was -- senior director of regulatory affairs 16:5 was my title. 16:6 Q. Senior director of regulatory 16:7 affairs for the retail national accounts or 16:8 in some other capacity? 16:9 A. Correct. For the retail 16:10 national accounts. The new title, I will be 16:11 taking on the statistics and analytics team 16:12 here shortly.	NH02.1
16:24 - 17:2	Hartle, Nathan 08-01-2018 (00:00:12) 16:24 Q. Okay. I'm going to show you -- 16:25 MR. RAFFERTY: If we could pull 17:1 up, Corey, 1.795, which we will mark 17:2 as Exhibit 41 to the deposition.	NH02.2
17:20 - 18:25	Hartle, Nathan 08-01-2018 (00:00:53) 17:20 Q. All right. What we have here, 17:21 if you look, is something entitled	NH02.3

17:22 "McKesson's Controlled Substance Monitoring
17:23 Program, Regulatory Affairs Training."

17:24 Do you see that?

17:25 A. I do.

18:1 Q. Okay. And I will represent to
18:2 you that there's not a date on this, but we

18:3 looked at the production, and there's
18:4 something referred to as metadata that

18:5 established that this was produced

18:6 December 31, 2015.

18:7 Okay?

18:8 You were there in your role as
18:9 senior director of retail and national

18:10 accounts, correct?

18:11 A. Correct.

18:12 Q. You started there when? In

18:13 McKesson.

18:14 A. In May of 2014.

18:15 Q. May of 2014. Okay.

18:16 And you maintained that same

18:17 position in charge of retail national

18:18 accounts until July of this year when your

18:19 position changed, correct, or your title

18:20 changed?

18:21 A. Title changed, yeah. And I've

18:22 added different responsibilities, but I've

18:23 always had the chain responsibility.

18:24 Q. So you've added additional

18:25 responsibilities, yes?

19:1 - 19:20

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NH02.4

19:1 A. Correct.

19:2 Q. Okay. If you'll turn to

19:3 page .9, I want to just make sure I

19:4 understand who -- where you sit in the

19:5 hierarchy of McKesson. Okay?

19:6 And in particular, US pharma is

19:7 the division of McKesson that handles and

19:8 sells the narcotics, right? That's the

19:9 division?

19:10 A. Correct. Correct.

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19:11 Q. Okay. So if you look up here,
 19:12 you've got regulatory affairs, retail
 19:13 national accounts, and it says, "Nate Hartle,
 19:14 senior director," right?
 19:15 A. It does.
 19:16 Q. Nobody above you?
 19:17 A. Not on this slide.
 19:18 Q. Not on that. Not in terms of
 19:19 retail national accounts?
 19:20 A. Correct.

22:6 - 22:17

Hartle, Nathan 08-01-2018 (00:00:19)

NH02.5

22:6 Q. Okay. Let's take a look now at
 22:7 the US pharma regulatory affairs. And the
 22:8 reason I want to do this is I want to make
 22:9 sure I know when we're talking today and
 22:10 you're answering questions, in what capacity
 22:11 you're answering them in terms of the
 22:12 hierarchy of regulatory affairs at McKesson.
 22:13 Okay?
 22:14 A. Understood.
 22:15 Q. All right.
 22:16 MR. RAFFERTY: So if we could,
 22:17 turn to page .4, Corey.

22:19 - 22:24

Hartle, Nathan 08-01-2018 (00:00:15)

NH02.6

22:19 Q. All right. Now this is,
 22:20 according to the CSMP training module that
 22:21 we're looking at, this is supposed to be the
 22:22 US pharma regulatory affairs CSMP team.
 22:23 Do you see that?
 22:24 A. I do.

23:16 - 23:21

Hartle, Nathan 08-01-2018 (00:00:08)

NH02.7

23:16 Q. Okay. And if we look at the
 23:17 hierarchy here, there's Gary -- okay, Krista
 23:18 Peck, who is the senior vice president. I
 23:19 assume above her is the president of
 23:20 McKesson?
 23:21 A. Correct.

24:6 - 24:13

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NH02.8

24:6 Q. Okay. So you got Krista Peck,
 24:7 who is one step away from the president of US

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24:8 pharma, right?

24:9 A. Correct.

24:10 Q. And then right below her you've

24:11 got Nate Hartle sitting there as senior

24:12 director, right?

24:13 A. Correct.

24:20 - 25:21

Hartle, Nathan 08-01-2018 (00:00:50)

NH02.9

24:20 Q. Okay. So there were two

24:21 regions, east and west, and then you, who

24:22 covered, I assume, regional national -- I

24:23 always say regional national account --

24:24 retail national accounts for the entire

24:25 country, correct?

25:1 A. Yes, that's correct.

25:2 Q. Okay. Now, when we talk about

25:3 the retail national accounts, we're talking

25:4 about -- that you were in charge of, we're

25:5 talking about the Rite Aids, CVS, Walgreens,

25:6 Walmarts and a bunch of others that I'm not

25:7 listing, right?

25:8 A. A variety of chains.

25:9 Q. Chains. Okay.

25:10 A. Chains is the best way to talk

25:11 about it.

25:12 Q. Okay. But literally thousands

25:13 of stores in those chains, right?

25:14 A. In some of them.

25:15 Q. In some of them.

25:16 And you're over all of that?

25:17 A. Correct, those chains.

25:18 Q. From a regulatory controlled

25:19 substance monitoring program standpoint,

25:20 true?

25:21 A. True.

26:15 - 26:18

Hartle, Nathan 08-01-2018 (00:00:06)

NH02.10

26:15 Q. Okay. All right. The retail

26:16 national accounts, that's a pretty big part

26:17 of US pharma's business, isn't it,

26:18 Mr. Hartle?

26:20 - 26:25

Hartle, Nathan 08-01-2018 (00:00:06)

NH02.11

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Page/Line	Source	ID
	26:20 THE WITNESS: It is a larger 26:21 part of the business. 26:22 QUESTIONS BY MR. RAFFERTY: 26:23 Q. It's a much larger part of the 26:24 business than the IMC accounts, correct? 26:25 ISMC, I'm sorry.	
27:2 - 27:2	Hartle, Nathan 08-01-2018 (00:00:00)	NH02.12
	27:2 THE WITNESS: Yes, it is.	
34:5 - 34:7	Hartle, Nathan 08-01-2018 (00:00:13)	NH02.13
	34:5 Q. Okay. Well, let's look at 34:6 1437.3, which we will mark as Exhibit 41 -- 34:7 42.	
34:11 - 36:19	Hartle, Nathan 08-01-2018 (00:01:58)	NH02.14
	34:11 Q. All right, Mr. Hartle. You see 34:12 this controlled substance monitoring, 34:13 Discount Drug Mart? 34:14 Do you recognize that? 34:15 A. I absolutely do. 34:16 Q. Okay. And it appears, though 34:17 this one does have a date on it, it's 34:18 September 29, 2017. So not really all that 34:19 long ago, right? 34:20 A. Correct. 34:21 Q. Okay. Less than a year ago, 34:22 right? 34:23 A. That is. 34:24 Q. And you see down there Nate 34:25 Hartle, senior director, regulatory affairs, 35:1 right? 35:2 A. Yeah, it's my document. 35:3 Q. Okay. Do you recall giving 35:4 this presentation? 35:5 A. I do. 35:6 MR. RAFFERTY: If we could, 35:7 let's turn to .3, Corey. 35:8 QUESTIONS BY MR. RAFFERTY: 35:9 Q. You see that up in the top of 35:10 one of your slides there on page 3, a 35:11 headline, "Deadliest Drug Epidemic on Record 35:12 in Our Nation's History"?	

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35:13 Do you see that?

35:14 A. Yep.

35:15 Q. You wouldn't have put that in

35:16 your presentation unless you thought it was

35:17 true, right?

35:18 A. No.

35:19 Q. So you don't dispute that,

35:20 right?

35:21 A. I do not.

35:22 Q. Okay. It then goes on and

35:23 says, "The drug problems of past decades pale

35:24 when compared to the current opioid epidemic

35:25 which has killed 165,000 Americans from 2000

36:1 to 2014."

36:2 Did I read that right?

36:3 A. You did.

36:4 Q. Okay. Once again, you agree

36:5 with that statement, right?

36:6 A. These are part of the

36:7 presentation that I gave.

36:8 Q. Okay. If we now go to the next

36:9 page, page 4, it says over there, "Scope of

36:10 the problem." On an average day, an average

36:11 day in the US, more than 650,000 opioid

36:12 prescriptions are dispensed.

36:13 Do you see that?

36:14 A. I do.

36:15 Q. 3,900 people initiate

36:16 non-medical use of prescription opioids, and

36:17 then it says 580 people initiate heroin use.

36:18 You see that?

36:19 A. I see those.

37:4 - 37:9

Hartle, Nathan 08-01-2018 (00:00:18)

NH02.15

37:4 Q. I don't -- okay. As head of

37:5 regulatory affairs and the controlled

37:6 substance monitoring program for national

37:7 chains of McKesson, would you agree that in

37:8 fact narcotic painkiller abuse, opioid abuse,

37:9 is a gateway to heroin use?

37:11 - 37:12

Hartle, Nathan 08-01-2018 (00:00:01)

NH02.16

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37:14 - 37:18	<p>37:11 THE WITNESS: I would agree 37:12 that it can be, yeah.</p> <p>Hartle, Nathan 08-01-2018 (00:00:09)</p> <p>37:14 Q. Okay. And in fact, 78 people 37:15 die from an opioid-related overdose every day 37:16 according to your slide. 37:17 Do you see that? 37:18 A. I see that.</p>	NH02.17
37:19 - 38:7	<p>Hartle, Nathan 08-01-2018 (00:00:35)</p> <p>37:19 Q. In fact, if you go on to your 37:20 presentation, page 16, .16, talking about the 37:21 heroin use, it says -- or what you say in 37:22 your presentation, or what you put in your 37:23 presentation, was people who are addicted 37:24 to -- and then it says, "Opioid painkillers 37:25 are 40 times more likely to be addicted to 38:1 heroin." 38:2 Do you see that? 38:3 A. I see that. 38:4 Q. And you agree with that? 38:5 A. I put them in the slides as 38:6 part of the information that I keep current 38:7 on.</p>	NH02.256
38:14 - 38:20	<p>Hartle, Nathan 08-01-2018 (00:00:20)</p> <p>38:14 Q. And you wouldn't have put it 38:15 out there if you thought it was inaccurate, 38:16 right? 38:17 A. I would not have. 38:18 Q. Okay. Talking about the 38:19 heroin, the gateway to heroin, if we could, 38:20 let's have 1580.</p>	NH02.18
38:24 - 39:2	<p>Hartle, Nathan 08-01-2018 (00:00:28)</p> <p>38:24 Q. This is another presentation 38:25 that you gave, Mr. Hartle. We'll mark this 39:1 as Exhibit 43. This is another presentation 39:2 that you gave. If you look at this --</p>	NH02.19
39:9 - 39:17	<p>Hartle, Nathan 08-01-2018 (00:00:11)</p> <p>39:9 Q. You see there it says, 39:10 "Regulatory affairs update, RNA leadership 39:11 team, Nate Hartle, senior director,</p>	NH02.20

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39:12 regulatory affairs."

39:13 Do you see that?

39:14 A. Yes.

39:15 Q. November 20, 2015.

39:16 You see that?

39:17 A. I do.

40:8 - 41:8

Hartle, Nathan 08-01-2018 (00:00:55)

NH02.21

40:8 Okay. So if you look here it

40:9 says, "Addressing prescription drug abuse and

40:10 heroin use." And you see it's got a little

40:11 flow chart, you see?

40:12 And it goes from the 259

40:13 million prescriptions of opioids and then --

40:14 which goes into prescription drug misuse

40:15 resulting in 1.4 million emergency room

40:16 visits in 2011.

40:17 And then that follows with

40:18 "four out of five users started by

40:19 misusing" -- in terms of heroin use, "four

40:20 out of five users started by misusing

40:21 prescription opioids."

40:22 You see that?

40:23 A. I see that.

40:24 Q. And then overdose, "16,000

40:25 prescription opioid deaths; heroin overdoses

41:1 rapidly increasing."

41:2 Do you see that?

41:3 A. I do see that.

41:4 Q. "Four out of five users of

41:5 heroin started by misusing prescription

41:6 opioids."

41:7 Did I read that right?

41:8 A. That's what it says.

41:9 - 41:11

Hartle, Nathan 08-01-2018 (00:00:10)

NH02.242

41:9 MR. RAFFERTY: If we could

41:10 have 1.1355, Corey, that we'll mark as

41:11 Exhibit 44.

41:15 - 42:25

Hartle, Nathan 08-01-2018 (00:01:14)

NH02.22

41:15 Q. This is a document that

41:16 says -- it's titled "Prescription Drug Abuse:

41:17 The National Perspective."
 41:18 It's got McKesson up there in
 41:19 the top right corner.
 41:20 Do you see that?
 41:21 A. I see that.
 41:22 Q. And down by the bottom middle
 41:23 it's 2014, McKesson Corporation, correct?
 41:24 A. Correct.
 41:25 Q. Okay. If we go into this and
 42:1 you turn to the second page -- .2, Corey --
 42:2 and it talks about the current landscape,
 42:3 epidemic.
 42:4 Do you see that?
 42:5 A. I see that.
 42:6 Q. And then it says, "Prescription
 42:7 drug overdoses, a US epidemic. In 2007,
 42:8 approximately 27,000 unintentional drug
 42:9 overdose deaths occurred in the United
 42:10 States, one death every 19 minutes.
 42:11 Prescription drug abuse is the fastest
 42:12 growing drug problem in the United States."
 42:13 You see that?
 42:14 A. I do.
 42:15 Q. A death every 19 minutes,
 42:16 right?
 42:17 A. Right. That's what it says.
 42:18 Q. Okay. In fact, your company
 42:19 has been in the business of selling opioid
 42:20 and narcotic painkillers for many years,
 42:21 hasn't it?
 42:22 A. It has.
 42:23 Q. The same opioid and narcotic
 42:24 drugs that are at the core of the epidemic
 42:25 that we've just been talking about, true?

43:2 - 43:3 **Hartle, Nathan 08-01-2018 (00:00:02)**

43:2 THE WITNESS: Those drugs are
 43:3 part of the epidemic.

54:18 - 54:21 **Hartle, Nathan 08-01-2018 (00:00:09)**

54:18 Q. Why is there a requirement by
 54:19 the DEA and the DOJ that has been in place

NH02.23

NH02.24

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54:23 - 54:24	54:20 since 1971 under the Controlled Substances 54:21 Act to report suspicious orders? Hartle, Nathan 08-01-2018 (00:00:03)	NH02.25
55:2 - 55:6	54:23 THE WITNESS: It's one of the 54:24 things intended to prevent diversion. Hartle, Nathan 08-01-2018 (00:00:14)	NH02.26
55:8 - 55:9	55:2 Q. There you go. 55:3 And in fact, what happens when 55:4 you fill suspicious orders, they get diverted 55:5 into illegal uses and feed the epidemic in 55:6 the United States, true? Hartle, Nathan 08-01-2018 (00:00:01)	NH02.27
59:22 - 59:23	55:8 THE WITNESS: Again, that can 55:9 happen. Hartle, Nathan 08-01-2018 (00:00:09)	NH02.28
59:24 - 60:2	59:22 Q. This will be Exhibit P1.851, 59:23 which will be Exhibit 46 to the deposition. Hartle, Nathan 08-01-2018 (00:00:04)	NH02.243
60:4 - 60:5	59:24 Do you recall being shown this 59:25 presentation earlier? 60:1 A. I do remember this from 60:2 yesterday. Hartle, Nathan 08-01-2018 (00:00:07)	NH02.29
66:5 - 66:15	60:4 MR. RAFFERTY: If we could pull 60:5 it up, Corey, please. 1.851. Hartle, Nathan 08-01-2018 (00:00:29)	NH02.30
66:18 - 66:23	66:5 We talked a little bit earlier 66:6 about the duties and responsibilities that 66:7 come along with selling and distributing 66:8 narcotics in the United States. 66:9 Do you recall that? 66:10 A. We have talked about that. 66:11 Q. Okay. In fact, distributors 66:12 and wholesalers of narcotics have a great 66:13 responsibility to help prevent the diversion 66:14 and stop the diversion of narcotics in 66:15 America, true? Hartle, Nathan 08-01-2018 (00:00:10)	NH02.31
	66:18 THE WITNESS: I think everyone 66:19 in the closed distribution has a great	

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66:25 - 67:1	<p>66:20 responsibility to prevent diversion. 66:21 QUESTIONS BY MR. RAFFERTY: 66:22 Q. Including the wholesalers and 66:23 distributors such as McKesson, correct? Hartle, Nathan 08-01-2018 (00:00:01) 66:25 THE WITNESS: We're included in 67:1 that, correct.</p>	NH02.32
71:18 - 71:23	<p>Hartle, Nathan 08-01-2018 (00:00:18) 71:18 Q. In terms of the ability -- 71:19 well, let's turn to page 13. "What can 71:20 happen when these checks and balances 71:21 collapse." 71:22 Do you see that? 71:23 A. I see that.</p>	NH02.33
72:23 - 73:1	<p>Hartle, Nathan 08-01-2018 (00:00:08) 72:23 Q. And it means that if there's 72:24 not effective compliance, then it can result 72:25 in catastrophe, disaster, that type of thing, 73:1 correct?</p>	NH02.34
73:3 - 73:4	<p>Hartle, Nathan 08-01-2018 (00:00:01) 73:3 THE WITNESS: Something bad, of 73:4 course.</p>	NH02.35
73:23 - 74:5	<p>Hartle, Nathan 08-01-2018 (00:00:20) 73:23 So we go to now your 73:24 ability to try to prevent that collapse. 73:25 Do you see the word there, 74:1 "collapse"? 74:2 A. I see that. 74:3 Q. McKesson has a particular 74:4 ability or power as a distributor to prevent 74:5 that collapse, don't they?</p>	NH02.36
74:7 - 74:8	<p>Hartle, Nathan 08-01-2018 (00:00:01) 74:7 THE WITNESS: We have a role in 74:8 prevention.</p>	NH02.37
74:10 - 74:18	<p>Hartle, Nathan 08-01-2018 (00:00:40) 74:10 Q. An important role? 74:11 A. Important, absolutely. 74:12 Q. Yeah. Okay. 74:13 In fact, if we go to page .37, 74:14 do you see there it says, "Distributors have</p>	NH02.38

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	74:15 great power"? Not just power, but great 74:16 power. 74:17 Do you see that? 74:18 A. I see that.	
75:19 - 76:7	Hartle, Nathan 08-01-2018 (00:00:27) 75:19 Q. And what he describes as 75:20 great control -- or I'm sorry, great power is 75:21 it says you control the supply to downstream 75:22 customers. 75:23 Do you see that last bullet 75:24 point there? 75:25 A. I do. 76:1 Q. And it's true, right? If you 76:2 don't sell -- if you hold back an order, you 76:3 don't sell a suspicious order or ship a 76:4 suspicious order, that order can't be 76:5 diverted, right? 76:6 A. That particular one from us 76:7 can't.	NH02.39
76:22 - 77:2	Hartle, Nathan 08-01-2018 (00:00:15) 76:22 That's the reason, you agreed 76:23 with me earlier, that monitoring for 76:24 suspicious orders and reporting suspicious 76:25 orders is not just a check-the-box type of 77:1 issue, right? It's not -- it plays an 77:2 important role in preventing diversion?	NH02.40
77:4 - 77:4	Hartle, Nathan 08-01-2018 (00:00:01) 77:4 THE WITNESS: It does.	NH02.41
82:9 - 82:20	Hartle, Nathan 08-01-2018 (00:00:24) 82:9 Mr. Boggs was formerly involved 82:10 in the diversion compliance with the DEA, 82:11 correct? 82:12 A. Yes, he was part of the Office 82:13 of Diversion Control. 82:14 Q. Let's see what Mr. Boggs says 82:15 here about "what else impacts diversion." 82:16 "Compliance," and there's one, 82:17 two, three, four -- seven exclamation points 82:18 after that. 82:19 Do you see that, "compliance"?	NH02.42

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83:17 - 84:7	<p>82:20 A. I do.</p> <p>Hartle, Nathan 08-01-2018 (00:00:32)</p> <p>83:17 Read that first bullet point</p> <p>83:18 under "Compliance" with the seven exclamation</p> <p>83:19 points.</p> <p>83:20 A. "The checks and balances</p> <p>83:21 created by the Controlled Substances Act</p> <p>83:22 work."</p> <p>83:23 Q. The next bullet point?</p> <p>83:24 A. "Registrants are a</p> <p>83:25 force-multiplier."</p> <p>84:1 Q. And the final one, will you</p> <p>84:2 read that?</p> <p>84:3 A. "Without sustained sources of</p> <p>84:4 supply, major diversion schemes wither away."</p> <p>84:5 Q. "Without sustained sources of</p> <p>84:6 supply," what he's talking about there is</p> <p>84:7 supply of narcotics, right?</p>	NH02.43
84:9 - 84:9	<p>Hartle, Nathan 08-01-2018 (00:00:00)</p> <p>84:9 THE WITNESS: Correct.</p>	NH02.44
84:11 - 84:14	<p>Hartle, Nathan 08-01-2018 (00:00:08)</p> <p>84:11 Q. Okay. "Major diversion schemes</p> <p>84:12 wither away." That means diversion</p> <p>84:13 decreases, right?</p> <p>84:14 A. That's the idea.</p>	NH02.45
84:24 - 85:10	<p>Hartle, Nathan 08-01-2018 (00:00:25)</p> <p>84:24 Q. Pretty common sense, isn't it?</p> <p>84:25 Even for somebody not in -- not senior</p> <p>85:1 regulatory affairs director for a distributor</p> <p>85:2 of narcotics, it's pretty straight common</p> <p>85:3 sense, right?</p> <p>85:4 A. It's fairly common sense,</p> <p>85:5 right.</p> <p>85:6 Q. Okay. And the same would be</p> <p>85:7 also fairly common sense, and that is if you</p> <p>85:8 don't effectively comply with the Controlled</p> <p>85:9 Substances Act, then the opposite happens and</p> <p>85:10 diversion increases, correct?</p>	NH02.46
85:12 - 85:14	<p>Hartle, Nathan 08-01-2018 (00:00:03)</p> <p>85:12 THE WITNESS: Diversion can</p>	NH02.47

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85:16 - 85:19	<p>85:13 increase. I don't know if there's an 85:14 exact, you know --</p> <p>Hartle, Nathan 08-01-2018 (00:00:06)</p> <p>85:16 Q. Well, once again, it -- 85:17 A. It's an option. I understand 85:18 what you're saying. 85:19 Q. And it's true, right?</p>	NH02.48
85:21 - 85:22	<p>Hartle, Nathan 08-01-2018 (00:00:02)</p> <p>85:21 THE WITNESS: It can be true, 85:22 yes.</p>	NH02.49
122:15 - 123:5	<p>Hartle, Nathan 08-01-2018 (00:00:34)</p> <p>122:15 Q. You're familiar with the 122:16 concept of the thresholds under the 122:17 controlled safety monitoring program -- 122:18 controlled substance monitoring program, 122:19 correct? 122:20 A. I am. 122:21 Q. Okay. In fact, it's somewhat 122:22 the foundation. The thresholds are kind of 122:23 the foundation of the CSMP, true? 122:24 A. They're certainly a core part 122:25 of the program, foundation of the suspicious 123:1 order portion of that, yeah. 123:2 Q. Right. 123:3 The suspicious order monitoring 123:4 is performed through thresholds and the 123:5 setting of thresholds?</p>	NH02.50
123:7 - 123:7	<p>Hartle, Nathan 08-01-2018 (00:00:00)</p> <p>123:7 THE WITNESS: Correct.</p>	NH02.51
123:9 - 123:17	<p>Hartle, Nathan 08-01-2018 (00:00:27)</p> <p>123:9 Q. And in fact, in terms of 123:10 the thresholds, there's two important aspects 123:11 of thresholds as it pertains to the diversion 123:12 of narcotics in the United States, and that 123:13 is, the initial setting of the thresholds and 123:14 then whether or not there should be a 123:15 threshold change request granted to increase 123:16 that threshold, correct? 123:17 A. Correct.</p>	NH02.52
131:8 - 131:15	<p>Hartle, Nathan 08-01-2018 (00:00:21)</p>	NH02.53

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131:8 MR. RAFFERTY: This is -- I'm
 131:9 handing counsel P1.345, which is
 131:10 Exhibit 51 to the deposition.
 131:11 QUESTIONS BY MR. RAFFERTY:
 131:12 Q. I'm showing you what is the
 131:13 March 21, 2013 CSMP.
 131:14 You see that?
 131:15 A. I do.

133:8 - 134:6

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NH02.54

133:8 All right. So actually go to
 133:9 .7 first, I'm sorry, the bottom part of .7,
 133:10 "threshold review."
 133:11 Do you see that?
 133:12 A. I do.
 133:13 Q. And then it says, "Regulatory
 133:14 department will review/assess customer
 133:15 thresholds during the month. Additionally,
 133:16 customers that approach a predetermined
 133:17 percentage of threshold maximum or exceed
 133:18 maximums will receive messaging as shown
 133:19 below."
 133:20 And then turn the page.
 133:21 "Threshold warning: Invoice and delivery doc
 133:22 only."
 133:23 So that means on their invoice,
 133:24 they receive an invoice that says
 133:25 "approaching monthly regulatory purchase
 134:1 limit," right?
 134:2 A. Correct.
 134:3 Q. So you notify -- so as a
 134:4 customer gets -- now, the customer doesn't
 134:5 know what their -- or not supposed to know
 134:6 what their threshold is, right?

134:8 - 134:18

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NH02.55

134:8 THE WITNESS: We don't share it
 134:9 with them.
 134:10 QUESTIONS BY MR. RAFFERTY:
 134:11 Q. You don't share it with them.
 134:12 There's a reason why you don't
 134:13 share it with them, right?

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	134:14 A. Sure.	
	134:15 Q. And that is so that they can't	
	134:16 try to manipulate a way around it, right, and	
	134:17 get drugs from other suppliers or other	
	134:18 distributors or something like that, right --	
134:20 - 134:22	Hartle, Nathan 08-01-2018 (00:00:02)	NH02.56
	134:20 QUESTIONS BY MR. RAFFERTY:	
	134:21 Q. -- as they approach it, so as	
	134:22 not to be detected?	
134:24 - 135:4	Hartle, Nathan 08-01-2018 (00:00:08)	NH02.57
	134:24 THE WITNESS: It's one of the	
	134:25 reasons, sure.	
	135:1 QUESTIONS BY MR. RAFFERTY:	
	135:2 Q. Okay. Yet, when you start to	
	135:3 reach a percentage -- and what percentage is	
	135:4 that, Mr. Hartle?	
135:6 - 135:19	Hartle, Nathan 08-01-2018 (00:00:20)	NH02.58
	135:6 QUESTIONS BY MR. RAFFERTY:	
	135:7 Q. When do they get the	
	135:8 notification that they're bumping up against	
	135:9 their threshold?	
	135:10 A. I believe it -- that can be a	
	135:11 different number at a time and you can adjust	
	135:12 that, but I think the standard was	
	135:13 90 percent.	
	135:14 Q. Okay.	
	135:15 A. I believe.	
	135:16 Q. So as it gets close to the	
	135:17 threshold, you actually notify the customer	
	135:18 and say, "Hey, you're bumping up against your	
	135:19 threshold," right?	
135:22 - 136:6	Hartle, Nathan 08-01-2018 (00:00:24)	NH02.59
	135:22 Q. So at that point -- well,	
	135:23 correct?	
	135:24 A. Correct, that's on the invoice.	
	135:25 That was on invoice.	
	136:1 Q. All right. So at that point a	
	136:2 pharmacy, for example, could certainly	
	136:3 estimate what their threshold level is,	
	136:4 right? They know -- they could go back and	

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136:8 - 136:8	136:5 see how much they've purchased and determine 136:6 how much -- what their threshold is, right? Hartle, Nathan 08-01-2018 (00:00:01)	NH02.60
137:14 - 137:21	136:8 THE WITNESS: Theoretically. Hartle, Nathan 08-01-2018 (00:00:21) 137:14 Q. So what happens here, according 137:15 to this, is then it says, "Sales and/or DC 137:16 management may contact the customer to 137:17 discuss threshold levels at their 137:18 discretion," right? 137:19 A. Right. That's what it says. 137:20 Q. Are you aware of how DC 137:21 managers and salespeople are paid?	NH02.61
137:23 - 138:2	Hartle, Nathan 08-01-2018 (00:00:06) 137:23 THE WITNESS: In general, yes. 137:24 QUESTIONS BY MR. RAFFERTY: 137:25 Q. They have an incentive. 138:1 They're paid on keeping customers and making 138:2 sales, correct?	NH02.62
138:5 - 138:14	Hartle, Nathan 08-01-2018 (00:00:22) 138:5 Q. That is a part of their 138:6 compensation? 138:7 A. That's how sales works. 138:8 Q. So what you're doing here, 138:9 according to this, is giving them discretion, 138:10 once there's a threshold -- once somebody is 138:11 bumping up against the threshold, to reach 138:12 out to the customer and talk with them about 138:13 whether or not they should initiate a 138:14 threshold change request, right?	NH02.63
138:16 - 138:16	Hartle, Nathan 08-01-2018 (00:00:01) 138:16 THE WITNESS: Yes.	NH02.64
139:10 - 139:15	Hartle, Nathan 08-01-2018 (00:00:13) 139:10 So you're putting the people 139:11 who stand to profit personally from the sale, 139:12 giving them the discretion to reach out, have 139:13 discussions with the customer as to whether 139:14 or not to initiate a threshold change 139:15 request. That's what this says, right?	NH02.65
139:17 - 139:18	Hartle, Nathan 08-01-2018 (00:00:02)	NH02.66

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139:20 - 139:24	<p>139:17 THE WITNESS: Our sales folks 139:18 are involved in the process.</p> <p>Hartle, Nathan 08-01-2018 (00:00:08)</p> <p>139:20 Q. It says then, "If a 139:21 threshold change is requested, follow the 139:22 change request process in step 1.3." 139:23 Do you see that? 139:24 A. I see that.</p>	NH02.67
139:25 - 140:22	<p>Hartle, Nathan 08-01-2018 (00:00:57)</p> <p>139:25 Q. Now it says, "2.2, 140:1 threshold excursion." That means that the 140:2 order has exceeded the threshold, right? 140:3 A. Correct. 140:4 Q. "Once a customer has reached 140:5 their monthly maximum threshold amount, all 140:6 subsequent orders for that item will be 140:7 blocked. This triggers the level review 140:8 process as detailed in level review steps 140:9 below." 140:10 You see that? 140:11 A. I see that. 140:12 Q. So the -- so what we were 140:13 talking about earlier, the exceeding of the 140:14 threshold, is what triggers the level review 140:15 steps, right? 140:16 A. Correct. 140:17 Q. Okay. And then it says it can 140:18 be unblocked if it is temporarily changed, 140:19 permanently changed or if they fall below the 140:20 threshold by returning product or basically a 140:21 new month starts, because it's refreshed at 140:22 the beginning of every month, right?</p>	NH02.244
140:25 - 141:1	<p>Hartle, Nathan 08-01-2018 (00:00:01)</p> <p>140:25 Q. The threshold is. 141:1 A. Correct.</p>	NH02.68
144:25 - 145:1	<p>Hartle, Nathan 08-01-2018 (00:00:05)</p> <p>144:25 The decision on a TCR must be 145:1 based on direct evidence, correct?</p>	NH02.69
145:3 - 145:5	<p>Hartle, Nathan 08-01-2018 (00:00:03)</p> <p>145:3 THE WITNESS: Based on direct</p>	NH02.70

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145:4	evidence we receive and review and	
145:5	research.	
146:22 - 148:11	Hartle, Nathan 08-01-2018 (00:01:29)	NH02.71
146:22	Q. And if you would, turn to	
146:23	page 15, P1.15. This is Exhibit 47.	
146:24	Slide 15 says, "Thresholds."	
146:25	Do you see that?	
147:1	A. I do.	
147:2	Q. "Lastly, appropriate" --	
147:3	there's a second paragraph there. "Lastly,	
147:4	appropriate adjustments will be made because	
147:5	in the natural course of business we know	
147:6	there will be growth. To make adjustments,	
147:7	we are really looking for, quote, direct	
147:8	evidence, end quote."	
147:9	That's your phrase, right?	
147:10	That's what you said?	
147:11	A. That's what I had in my notes.	
147:12	I don't -- yeah.	
147:13	Q. Okay. "An understanding of the	
147:14	business model and demonstration of the	
147:15	corresponding responsibility."	
147:16	Do you see that?	
147:17	A. Yes.	
147:18	Q. And then it says, "Specifically	
147:19	related to direct evidence, just the fact	
147:20	that the oxycodone sales are increasing is	
147:21	not in and of itself justification to change	
147:22	a threshold. When we say direct evidence, it	
147:23	is things like" -- and you list them out --	
147:24	"the acquisition of a pharmacy and the	
147:25	details related to projected increases."	
148:1	So acquisition of a pharmacy,	
148:2	right? That's one?	
148:3	A. Right.	
148:4	Q. Two, a new clinic opening up.	
148:5	Three, growth in overall	
148:6	prescription business or something else that	
148:7	connects the increase to a change in business	
148:8	model or increased patient activity.	

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	148:9 You see that?	
	148:10 A. Yeah, they're examples of	
	148:11 reasons for a request.	
175:2 - 175:5	Hartle, Nathan 08-01-2018 (00:00:07)	NH02.72
	175:2 Q. The DOJ, as part of their	
	175:3 investigation after 2008, part of that	
	175:4 involved how you were handling threshold	
	175:5 change requests, true?	
175:7 - 175:8	Hartle, Nathan 08-01-2018 (00:00:01)	NH02.73
	175:7 THE WITNESS: Yes, it was part	
	175:8 of those allegations.	
175:10 - 175:13	Hartle, Nathan 08-01-2018 (00:00:05)	NH02.74
	175:10 Q. Okay. And you've reviewed	
	175:11 those -- that correspondence from the DOJ,	
	175:12 right?	
	175:13 A. Yes.	
175:16 - 175:17	Hartle, Nathan 08-01-2018 (00:00:06)	NH02.75
	175:16 Q. Back in 2014, right?	
	175:17 A. Yes.	
175:21 - 175:22	Hartle, Nathan 08-01-2018 (00:00:19)	NH02.76
	175:21 Q. Let's go to 1.1433. This will	
	175:22 be Exhibit 54.	
175:23 - 176:24	Hartle, Nathan 08-01-2018 (00:01:05)	NH02.245
	175:23 Here we've got a letter from	
	175:24 the US Department of Justice, John Walsh,	
	175:25 District of Colorado.	
	176:1 Do you see that?	
	176:2 A. I do.	
	176:3 Q. August 13, 2014. This is while	
	176:4 you're there at McKesson now, right?	
	176:5 A. Excuse me?	
	176:6 Q. You're at McKesson as of August	
	176:7 13, 2014?	
	176:8 A. I am. In May, yeah.	
	176:9 Q. Okay. You are senior	
	176:10 regulatory affairs director for national	
	176:11 accounts at that time, true?	
	176:12 A. Correct.	
	176:13 Q. All right. If we could, let's	
	176:14 look at page -- and the title here is	

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	176:15 "Possible civil action against McKesson 176:16 Corporation for violations of the Controlled 176:17 Substances Act." 176:18 Do you see that? 176:19 A. I do. 176:20 Q. And it says -- and this is a 176:21 letter to your -- to McKesson's lawyers at 176:22 Covington & Burling, the same lawyers here 176:23 today, right? The same law firm? 176:24 A. The same firm, yeah.	
177:18 - 177:23	Hartle, Nathan 08-01-2018 (00:00:12) 177:18 This letter goes through -- and 177:19 we're going to go through some of it now and 177:20 some of it this afternoon, but that's what 177:21 this letter is doing, is they're notifying 177:22 McKesson of violations of the Controlled 177:23 Substance Act, right?	NH02.77
177:25 - 178:1	Hartle, Nathan 08-01-2018 (00:00:00) 177:25 THE WITNESS: Their 178:1 allegations, right.	NH02.78
178:3 - 179:1	Hartle, Nathan 08-01-2018 (00:00:56) 178:3 Q. So here it says, if you 178:4 turn to .11, skipping ahead, and it says, 178:5 "McKesson-Aurora's desire for increased sales 178:6 overrode its obligations to report suspicious 178:7 orders." 178:8 Section B, do you see that? 178:9 A. Yes. 178:10 Q. "Our investigation has revealed 178:11 a disturbing pattern: McKesson-Aurora's 178:12 desire for increased sales and retaining its 178:13 customers overrode its obligations to report 178:14 suspicious orders. We have identified this 178:15 trend across several different areas: 1, 178:16 McKesson-Aurora manipulated and circumvented 178:17 thresholds." 178:18 Do you see that? 178:19 A. I see that. 178:20 Q. "Thresholds were supposed to be 178:21 the linchpin of McKesson's compliance	NH02.79

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	178:22 program, but McKesson-Aurora manipulated 178:23 customers' threshold levels in numerous ways 178:24 to avoid rigorous internal review." 178:25 Did I read that right? 179:1 A. You did.	
179:2 - 179:18	Hartle, Nathan 08-01-2018 (00:00:37) 179:2 Q. And in fact it says, "First, 179:3 McKesson-Aurora set its initial thresholds 179:4 for its pharmacy customers very high. 179:5 McKesson-Aurora's review process was not even 179:6 triggered until an individual pharmacy sold 179:7 more than 10 percent of that pharmacy's 179:8 average volume from a 12-month period from 179:9 2007 to 2008, a year in which McKesson had 179:10 settled claims because diversion was 179:11 flourishing in McKesson-supplied pharmacies." 179:12 Do you see that? 179:13 A. I do see that. 179:14 Q. That's what we were talking 179:15 about earlier, right, when I asked you about 179:16 if you set thresholds too high initially, 179:17 then the trigger for the evaluation is never 179:18 set off, right?	NH02.246
179:20 - 179:21	Hartle, Nathan 08-01-2018 (00:00:00) 179:20 THE WITNESS: It's what we 179:21 discussed earlier, correct.	NH02.80
180:13 - 180:19	Hartle, Nathan 08-01-2018 (00:00:17) 180:13 Q. Going down here it 180:14 says -- that's exactly what your -- the 180:15 US Attorney in Colorado is accusing McKesson 180:16 of, right, setting the thresholds too high to 180:17 avoid the triggering of the tiered review? 180:18 That's what it says. 180:19 A. Right.	NH02.81
180:20 - 181:2	Hartle, Nathan 08-01-2018 (00:00:15) 180:20 Q. "In some cases, 180:21 McKesson-Aurora set thresholds so high at the 180:22 outset that the pharmacy customer would never 180:23 exceed it and thus never trigger any review 180:24 as to whether an order was indeed	NH02.257

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	180:25 suspicious."	
181:6 - 181:6	181:1 Once again, the same thing we 181:2 were talking about earlier, right? Hartle, Nathan 08-01-2018 (00:00:00)	NH02.82
181:8 - 181:8	181:6 Q. Correct? Hartle, Nathan 08-01-2018 (00:00:00)	NH02.83
181:10 - 181:16	181:8 THE WITNESS: Right. Hartle, Nathan 08-01-2018 (00:00:12)	NH02.84
	181:10 Q. Right. 181:11 And that that was -- when I 181:12 asked you if that was a way to manipulate the 181:13 threshold process, was to set the threshold 181:14 so high that it never triggered the tier 181:15 review, that's what you're being accused of 181:16 by the US Attorney here, right?	
181:18 - 181:19	Hartle, Nathan 08-01-2018 (00:00:02)	NH02.85
	181:18 THE WITNESS: That's what they 181:19 have in here, correct.	
181:21 - 182:11	Hartle, Nathan 08-01-2018 (00:00:35) 181:21 Q. Okay. "Second" -- if you turn 181:22 to the next page, which is .12. "Second, 181:23 McKesson-Aurora routinely manipulated the 181:24 thresholds." 181:25 Do you see that? 182:1 A. I do. 182:2 Q. "It would often preemptively 182:3 increase the threshold of its customers on 182:4 particular drugs before the customers had 182:5 even submitted a TCR seeking a threshold 182:6 increase." 182:7 There, that's where we're -- 182:8 that's -- they're talking about actually 182:9 McKesson employees increasing the thresholds 182:10 without even a request being made by the 182:11 customer, right?	NH02.86
182:14 - 182:17	Hartle, Nathan 08-01-2018 (00:00:02) 182:14 Q. That's what they're talking 182:15 about? 182:16 A. That's what they're talking 182:17 about.	NH02.87

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182:18 - 183:2	Hartle, Nathan 08-01-2018 (00:00:22) 182:18 Q. Okay. Down in the next 182:19 paragraph, next full paragraph: "Time and 182:20 time again, McKesson-Aurora increased a 182:21 customer's threshold in a particular month so 182:22 that the customer did not exceed that 182:23 threshold and thus trigger McKesson-Aurora's 182:24 obligation to conduct a level 2 or level 3 182:25 review, much less file an SOR with the DEA." 183:1 Do you see that? 183:2 A. I see that.	NH02.258
184:12 - 185:22	Hartle, Nathan 08-01-2018 (00:01:28) 184:12 Q. Well, let's see some of 184:13 the examples that the US Attorney used here, 184:14 which are different than the Thanksgiving. 184:15 "Dale's Pharmacy requested an 184:16 increase of its oxycodone threshold on 184:17 December 27, 2010. Dale's proffered 184:18 justification was normal business with 184:19 increased volume during the holidays." 184:20 Do you see that? 184:21 "Although there were only four 184:22 days remaining in the month until Dale's 184:23 oxycodone would be reset, McKesson-Aurora 184:24 approved an 8,000 dosage unit increase of 184:25 Dale's oxycodone threshold, increasing the 185:1 threshold by 20.5 percent from 39,000 to 185:2 47,000 dosage units." 185:3 Do you see that? 185:4 A. I see that. 185:5 Q. "From June 2010 to 185:6 November 2010, McKesson-Aurora justified 185:7 many -- multiple threshold increases for 185:8 Dale's Pharmacy based upon an alleged influx 185:9 of customers due to the closure of a 185:10 neighboring pharmacy in Fort Lupton. Several 185:11 of the TCRs for Dale's justified requests for 185:12 threshold increases on the grounds that the 185:13 API Pharmacy had stopped selling controlled 185:14 substances. In point of fact, the API	NH02.88

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	185:15 Pharmacy had closed seven years earlier."	
	185:16 You see that?	
	185:17 A. I see that.	
	185:18 Q. That's the kind of thing that	
	185:19 you're supposed to, if you're actually	
	185:20 effectively implementing the CSMP, that you	
	185:21 should know, isn't that right, that you	
	185:22 should detect?	
185:24 - 185:25	Hartle, Nathan 08-01-2018 (00:00:03)	NH02.89
	185:24 THE WITNESS: It should be a	
	185:25 piece of information you should know.	
186:2 - 186:20	Hartle, Nathan 08-01-2018 (00:00:46)	NH02.90
	186:2 Q. Well, not -- yeah, that you	
	186:3 should find -- you should be able to	
	186:4 determine if you're actually doing due	
	186:5 diligence and exercising due diligence in	
	186:6 whether or not to increase a threshold,	
	186:7 right?	
	186:8 A. You should research that.	
	186:9 Q. Okay. "The pharmacy at Salud,	
	186:10 another pharmacy in Fort Lupton, did stop	
	186:11 selling controlled substances for 19 days in	
	186:12 2010. However, McKesson-Aurora allowed	
	186:13 Dale's to rely on this closure excuse for	
	186:14 continued threshold increases for another	
	186:15 four months, even after the pharmacy at Salud	
	186:16 was back up and running."	
	186:17 Once again, something that if	
	186:18 McKesson was using and exercising due	
	186:19 diligence in its investigation it should	
	186:20 determine and it should find out, right?	
186:22 - 186:24	Hartle, Nathan 08-01-2018 (00:00:02)	NH02.91
	186:22 THE WITNESS: Again, that	
	186:23 information is critical to the	
	186:24 decision, part of it.	
187:2 - 187:3	Hartle, Nathan 08-01-2018 (00:00:02)	NH02.92
	187:2 Q. And should be found -- and	
	187:3 should be discovered?	
187:6 - 188:3	Hartle, Nathan 08-01-2018 (00:00:42)	NH02.93
	187:6 Q. Right?	

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187:7 A. It should be part of it, yes.
 187:8 Q. And if you're exercising due
 187:9 diligence.
 187:10 Going down to the bottom: "In
 187:11 sum, the thresh -- the thresholds that were
 187:12 originally intended to trigger an
 187:13 investigation that could result in a
 187:14 suspicious order being reported to the DEA
 187:15 never served this purpose. McKesson did not
 187:16 set and then maintain its thresholds as
 187:17 required by its CSMP. The thresholds did not
 187:18 meaningfully restrict McKesson-Aurora's
 187:19 customers from obtaining controlled
 187:20 substances."
 187:21 And then read that next
 187:22 sentence, please.
 187:23 A. It starts "thresholds"?
 187:24 Q. Yep.
 187:25 A. "Thresholds were moved to
 188:1 accommodate whatever purchasing occurred, or
 188:2 they were set so high that they never
 188:3 triggered any review."

188:4 - 188:7 **Hartle, Nathan 08-01-2018 (00:00:07)**

NH02.259

188:4 Q. And that's -- that means that
 188:5 the thresholds were being manipulated by
 188:6 McKesson in order to accommodate sales,
 188:7 right?

188:9 - 188:10 **Hartle, Nathan 08-01-2018 (00:00:01)**

NH02.94

188:9 THE WITNESS: That's the
 188:10 allegation in here.

190:14 - 190:20 **Hartle, Nathan 08-01-2018 (00:00:14)**

NH02.95

190:14 Q. Now, in setting the
 190:15 threshold -- let's talk about setting the
 190:16 thresholds, because that was -- part of the
 190:17 allegations in here was the thresholds
 190:18 were -- part of the allegations in August
 190:19 of 2014 by the US Attorney was that the
 190:20 thresholds were being set too high, right?

190:22 - 190:23 **Hartle, Nathan 08-01-2018 (00:00:01)**

NH02.96

190:22 THE WITNESS: That's part of

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190:25 - 190:25	190:23 the allegation. Hartle, Nathan 08-01-2018 (00:00:03)	NH02.97
191:1 - 191:1	190:25 Q. And if we look at Hartle, Nathan 08-01-2018 (00:00:03)	NH02.247
191:1 - 191:2	191:1 1.1461. Hartle, Nathan 08-01-2018 (00:00:04)	NH02.248
191:3 - 191:11	191:1 which will be Exhibit 55 to the 191:2 deposition. Hartle, Nathan 08-01-2018 (00:00:30)	NH02.249
191:19 - 191:21	191:3 Now, this is from Nate Hartle. 191:4 Do you see that at the top? 191:5 A. I do. 191:6 Q. Okay. Now -- and this is dated 191:7 July 23, 2014, right? 191:8 A. Yes. 191:9 Q. So just about a month before 191:10 that letter from the US Attorney, right? 191:11 A. Correct. Hartle, Nathan 08-01-2018 (00:00:26)	NH02.98
191:22 - 193:12	191:19 Q. Okay. Now I want to show you 191:20 1.1458, which will be Exhibit 56 to the 191:21 deposition. Hartle, Nathan 08-01-2018 (00:01:38)	NH02.250
	191:22 All right. This is another 191:23 e-mail from Nate Hartle, September 9, 2014. 191:24 Do you see that? 191:25 A. I do. 192:1 Q. Okay. Let's focus on -- now, 192:2 this is about a month after you got the 192:3 letter, so let's be clear. 192:4 You got Exhibit 55, your e-mail 192:5 dated July 23, 2014, and that's dealing with 192:6 a TCR, a threshold change request, from 192:7 Wegmans. 192:8 Do you see that? 192:9 A. I see that. 192:10 Q. Okay. And then the letter from 192:11 the US Attorney is sent a month later, in 192:12 August, alleging that the thresholds were 192:13 being set too high by McKesson in order to	

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	192:14 avoid detection of suspicious orders. That	
	192:15 was the allegation, right?	
	192:16 A. It was.	
	192:17 Q. Okay. And then a -- at least a	
	192:18 short time after that letter is Exhibit 56,	
	192:19 which is the September 9, 2014 letter.	
	192:20 Do you see that -- or e-mail?	
	192:21 A. Yes.	
	192:22 Q. All right. So a month after	
	192:23 you -- that letter is sent to McKesson's	
	192:24 lawyers, you write a letter -- or an e-mail,	
	192:25 I'm sorry, dated September 9, 2014, up at the	
	193:1 top, and you copy Micheal Bishop as well as	
	193:2 Michael Oriente.	
	193:3 Do you see that?	
	193:4 A. I do.	
	193:5 Q. And then it says, "Wakefern	
	193:6 threshold methodology."	
	193:7 You see that?	
	193:8 A. I do.	
	193:9 Q. And what it says is,	
	193:10 "Sensitivity: Company, confidential," right?	
	193:11 Don't share it outside the	
	193:12 walls of McKesson, right?	
193:14 - 193:15	Hartle, Nathan 08-01-2018 (00:00:02)	NH02.99
	193:14 THE WITNESS: It's classified	
	193:15 confidential, yeah.	
193:17 - 194:6	Hartle, Nathan 08-01-2018 (00:00:31)	NH02.100
	193:17 Q. "Bishop: You asked on the call	
	193:18 about the methodology we have used in the	
	193:19 past, so below is what we will use. This	
	193:20 will be the same as what we will need to do	
	193:21 with the new NRA [sic] volume for	
	193:22 hydrocodone."	
	193:23 So what you're doing is you're	
	193:24 asking -- you're telling him about how to set	
	193:25 an initial threshold for this, right?	
	194:1 A. Correct.	
	194:2 Q. All right. And what you say	
	194:3 is, let's calculate it using the total doses	

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194:14 - 194:22	<p>194:4 times distribution settle norm times buffer. 194:5 Do you see that? 194:6 A. I see that.</p> <p>Hartle, Nathan 08-01-2018 (00:00:14)</p> <p>194:14 Q. Okay. This has been used in 194:15 the past; that's what you said? 194:16 A. Similar concept. 194:17 Q. Okay. "Buffer, we've used 194:18 25 percent in the past, so that is what I've 194:19 put in for now. And then rounding, we will 194:20 also round up to the nearest 500." 194:21 Do you see that? 194:22 A. I see that.</p>	NH02.101
195:11 - 195:23	<p>Hartle, Nathan 08-01-2018 (00:00:27)</p> <p>195:11 You're saying here, let's use 195:12 the same methodology we used in the past, 195:13 right? That's what you said? 195:14 A. That's what -- that's in here. 195:15 Q. Okay. 195:16 A. This relates to -- 195:17 Q. And this was a few weeks after 195:18 having gotten the letter from the US Attorney 195:19 specifically alleging that you are setting 195:20 the thresholds too high in order to avoid 195:21 detection of suspicious orders, right? 195:22 That's the time frame? 195:23 A. That's the timing.</p>	NH02.102
197:6 - 197:9	<p>Hartle, Nathan 08-01-2018 (00:00:09)</p> <p>197:6 Q. And then what you do is 197:7 you take that highest number, the highest 197:8 number you can get over the last year, and 197:9 you tack on 25 percent above it, right?</p>	NH02.103
197:12 - 197:19	<p>Hartle, Nathan 08-01-2018 (00:00:16)</p> <p>197:12 Q. That's the buffer, 25 percent? 197:13 A. That's what a buffer is. 197:14 Q. That's what a buffer is. 197:15 Okay. So if a store's max 197:16 number of last 12 months was 10,000, you 197:17 automatically set the threshold -- or you 197:18 automatically add a buffer of another 2,500,</p>	NH02.104

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Page/Line	Source	ID
197:21 - 197:22	197:19 right? Hartle, Nathan 08-01-2018 (00:00:01)	NH02.105
198:1 - 198:9	197:21 THE WITNESS: That's how the 197:22 math works. Hartle, Nathan 08-01-2018 (00:00:28)	NH02.106
198:11 - 198:13	198:1 Q. Okay. And then what you do 198:2 after that is you then round it up to the 198:3 next 500. So if it's -- if the number ends 198:4 up falling at 12,501, you then jack it up 198:5 another 499 and put it at 13,000 so that 198:6 the -- the max number of dispensing in a 198:7 month was 10,000, your buffer is now 13,000, 198:8 or 30 percent higher, than what it is they've 198:9 ever dispensed in the prior year, right? Hartle, Nathan 08-01-2018 (00:00:05)	NH02.107
198:15 - 198:18	198:11 THE WITNESS: That's the math. 198:12 The rounding is for -- you can't -- 198:13 for bottle size factors, typically. Hartle, Nathan 08-01-2018 (00:00:05)	NH02.108
200:24 - 202:10	198:15 Q. Well, but you're rounding up. 198:16 Why not round it down? You don't round it 198:17 down, do you? 198:18 A. Typically don't. Hartle, Nathan 08-01-2018 (00:01:15) 200:24 Let's look at the exhibit, this 200:25 July 23, 2014 e-mail. This was the month 201:1 before the August 2014 letter from the 201:2 US Attorney. 201:3 "Hi, guys" -- 201:4 This is from you, right, Nate 201:5 Hartle? 201:6 A. It is. 201:7 Q. Okay. "Hi, guys, I took a look 201:8 this morning and have a few questions and 201:9 comments." Now, this is -- the subject 201:10 matter is "Wegmans TCR request." 201:11 So what they're looking at is 201:12 what to set Wegmans levels at. Would you 201:13 agree with that? Threshold? 201:14 If you look at page .4, Shari	NH02.109

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	201:15 Pickell e-mail --	
	201:16 A. Yes.	
	201:17 Q. -- to you -- well, cc'd you.	
	201:18 And it says, "Please see the	
	201:19 attached TCR report and dispensing data for	
	201:20 oxycodone for Wegmans stores."	
	201:21 A. Right.	
	201:22 Q. "With their new contract, they	
	201:23 are moving their incremental volume over to	
	201:24 McKesson."	
	201:25 So they're moving business to	
	202:1 McKesson now, right?	
	202:2 A. Correct.	
	202:3 Q. "Please adjust thresholds	
	202:4 accordingly." So there's some back and	
	202:5 forth.	
	202:6 And then ultimately it looks	
	202:7 like on the base codes -- what are the base	
	202:8 codes 9813 and 9814; do you know?	
	202:9 A. Those aren't -- those aren't	
	202:10 current ones in our -- so I can't --	
202:22 - 202:25	Hartle, Nathan 08-01-2018 (00:00:02)	NH02.110
	202:22 Q. It's an opioid.	
	202:23 A. Yeah.	
	202:24 Q. They're opioids, right?	
	202:25 A. Yeah.	
204:7 - 204:17	Hartle, Nathan 08-01-2018 (00:00:15)	NH02.111
	204:7 Q. Yeah, well, let's go up here.	
	204:8 And you say, "Hi, guys, I took	
	204:9 a look this morning and have a few	
	204:10 questions/comments."	
	204:11 Do you see that?	
	204:12 A. Uh-huh.	
	204:13 Q. "One, do we really want to be	
	204:14 lowering thresholds right now?"	
	204:15 Do you see you asking that	
	204:16 question?	
	204:17 A. Uh-huh.	
205:5 - 205:19	Hartle, Nathan 08-01-2018 (00:00:28)	NH02.112
	205:5 Q. In number 3?	

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	<p>205:6 "I was thinking we would do 205:7 something more like we did with the Rite Aid 205:8 recently. For example, we used total RX 205:9 times the DC norm and add a buffer. In 205:10 Wegmans' case, we could probably start with a 205:11 buffer on top of their max amount." 205:12 So that's what we were talking 205:13 about, the system that you were using in 205:14 September, right? Take the max amount per 205:15 month of dispensing -- 205:16 A. Right. 205:17 Q. -- add a buffer. 205:18 Do you see that? 205:19 A. I do.</p>	
206:3 - 206:19	<p>Hartle, Nathan 08-01-2018 (00:00:37) 206:3 Q. But here it says, "take" -- it 206:4 says, "Logic, take max and add a buffer, 206:5 i.e., 20 percent, to round up to the nearest 206:6 500." 206:7 Do you see that? 206:8 A. I see that. 206:9 Q. So once again, taking whatever 206:10 number it is -- and so you give an example 206:11 down below, store number 1. The max monthly 206:12 dispensing for that store at 11,800, add the 206:13 20 percent buffer puts it at 14, 1,060 [sic], 206:14 new threshold, 14,500. 206:15 Do you see that? 206:16 A. I see that. 206:17 Q. So instead of -- so that's 206:18 almost 3,000 doses per month higher than 206:19 their max dispensing, right?</p>	NH02.113
206:22 - 206:23	<p>Hartle, Nathan 08-01-2018 (00:00:01) 206:22 Q. That's an example. 206:23 A. It's an example.</p>	NH02.114
209:17 - 210:13	<p>Hartle, Nathan 08-01-2018 (00:00:54) 209:17 Q. Okay. So I just want to 209:18 reorient us. If we could take a look at 209:19 Exhibit 54 that you've got there, which is a 209:20 letter from the US Attorney, District of</p>	NH02.115

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209:21 Colorado, dated August 13, 2014.

209:22 That's -- this is the one that

209:23 was right in the middle of the two -- the

209:24 date that was in the middle of the two

209:25 e-mails that we were discussing.

210:1 You recall that?

210:2 A. Yes.

210:3 Q. Okay. So this is August 2014.

210:4 If we look at page .11, please,

210:5 what he's -- what he's being critical of, and

210:6 the allegation in here in terms of the

210:7 McKesson-Aurora manipulated and circumvented

210:8 thresholds is, first he says,

210:9 "McKesson-Aurora set its initial thresholds

210:10 for its pharmacy customers very high.

210:11 McKesson-Aurora's review process was not even

210:12 triggered," meaning the threshold -- a

210:13 threshold excursion, right?

210:16 - 211:9

Hartle, Nathan 08-01-2018 (00:00:51)

NH02.116

210:16 Q. "The process was -- the review

210:17 process was not even triggered until an

210:18 individual pharmacy sold more than 10 percent

210:19 of that pharmacy's average volume for a

210:20 12-month period from 2007 to 2008."

210:21 You see that?

210:22 A. I see that.

210:23 Q. Okay. So if we look at that,

210:24 what he's saying there is there was a 10

210:25 percent buffer built in over the pharmacy's

211:1 average volume from a 12-month period, right?

211:2 A. Correct.

211:3 Q. Which is lower than the 20 to

211:4 25 percent buffer you used. And this uses an

211:5 average volume from a 12-month period, which

211:6 is lower than the max value for a month in

211:7 the prior 12 months, right?

211:8 A. Correct. This is purchasing

211:9 versus dispensing in mine.

212:1 - 212:20

Hartle, Nathan 08-01-2018 (00:00:55)

NH02.117

212:1 Q. Now, if we go back to

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	212:2 your July 2014 e-mail, which is exhibit -- it 212:3 should be one of the just last couple but -- 212:4 I think 55. 55, I'm sorry. 212:5 This is July 23, 2014, and this 212:6 is the one where you asked, "Do we really 212:7 want to be lowering thresholds right now?" 212:8 Do you see that? 212:9 A. I see that. 212:10 Q. Now, during this time period in 212:11 2014, do you know -- when you're asking that 212:12 question about lowering thresholds, do you 212:13 know what's going on in the country in terms 212:14 of the opioid epidemic? 212:15 A. I do. 212:16 Q. Okay. In fact, it was during 212:17 this same time period we looked at the 212:18 document in 2014 that said that a person was 212:19 dying in the United States from an opioid 212:20 overdose every 19 minutes, right?	
212:22 - 212:22	Hartle, Nathan 08-01-2018 (00:00:01)	NH02.118
	212:22 THE WITNESS: Agree.	
212:24 - 213:5	Hartle, Nathan 08-01-2018 (00:00:19)	NH02.119
	212:24 Q. So while you are asking the 212:25 question, should we be lowering thresholds, 213:1 which is the very mechanism by which you 213:2 trigger the investigation and the review for 213:3 suspicious orders, and you're saying should 213:4 we be lowering them and doing that, people 213:5 are dying from opioids, right?	
213:7 - 213:8	Hartle, Nathan 08-01-2018 (00:00:01)	NH02.120
	213:7 THE WITNESS: I understand 213:8 people are dying from opiates.	
221:19 - 221:20	Hartle, Nathan 08-01-2018 (00:00:06)	NH02.121
	221:19 Q. Okay. Now -- all right. 221:20 Looking at P1.88,	
221:20 - 222:19	Hartle, Nathan 08-01-2018 (00:01:09)	NH02.251
	221:20 this is a copy of the 221:21 administrative memorandum of agreement 221:22 pertaining to the 2017 settlement. 221:23 Have you reviewed this before?	

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	221:24 A. I have.	
	221:25 Q. Okay. And if you would, please	
	222:1 turn to the back page, which is P -- I'm	
	222:2 sorry, page 14. Page 14.	
	222:3 Oh, I'm sorry, it's 58. I'm	
	222:4 sorry, did you -- have you seen this before,	
	222:5 Mr. Hartle?	
	222:6 A. I have.	
	222:7 Q. Okay. If you would, turn to	
	222:8 page 14. And if you look over there, the	
	222:9 signatures of the acting administrator of the	
	222:10 Drug Enforcement Administration and assistant	
	222:11 administrator for the Diversion Control	
	222:12 Division of DEA; do you see that?	
	222:13 A. I see that.	
	222:14 Q. And those are dated January 17,	
	222:15 2017, right?	
	222:16 A. Correct.	
	222:17 Q. And that's the date that the	
	222:18 agreement was finalized and the \$150 million	
	222:19 fine was levied, correct?	
222:21 - 222:21	Hartle, Nathan 08-01-2018 (00:00:01)	NH02.122
	222:21 THE WITNESS: That's the date.	
222:25 - 223:4	Hartle, Nathan 08-01-2018 (00:00:25)	NH02.123
	222:25 Q. Okay. Now, I'm going to show	
	223:1 you a copy of what we're going to mark as	
	223:2 Exhibit 59, which is an e-mail from	
	223:3 January 30, 2017, from you. And if you	
	223:4 could, I want --	
223:8 - 223:14	Hartle, Nathan 08-01-2018 (00:00:07)	NH02.124
	223:8 Q. What I'd like to do is direct	
	223:9 your attention to the bottom e-mail first	
	223:10 from Dan Jefferies.	
	223:11 Do you see that?	
	223:12 A. I do.	
	223:13 Q. Do you know Mr. Jefferies?	
	223:14 A. I do.	
223:17 - 224:6	Hartle, Nathan 08-01-2018 (00:00:26)	NH02.125
	223:17 Q. Okay. It says, "Subject,	
	223:18 opioid reductions."	

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	223:19 Do you see that?	
	223:20 A. I see that.	
	223:21 Q. Okay. And he's talking about	
	223:22 some discussion at a Topco meeting.	
	223:23 Do you see that?	
	223:24 A. I do.	
	223:25 Q. Okay. And he says their	
	224:1 concerns were, "One, that manufacturers would	
	224:2 stockpile the product and release it at a	
	224:3 higher price; two, McKesson would stockpile	
	224:4 and release at a higher price; and three,	
	224:5 thresholds would be dramatically cut."	
	224:6 Do you see that?	
224:8 - 224:8	Hartle, Nathan 08-01-2018 (00:00:00)	NH02.126
	224:8 THE WITNESS: I see that.	
225:8 - 225:9	Hartle, Nathan 08-01-2018 (00:00:05)	NH02.127
	225:8 Q. One of their concerns was that	
	225:9 thresholds would be dramatically cut.	
225:12 - 226:19	Hartle, Nathan 08-01-2018 (00:00:57)	NH02.128
	225:12 Q. I just read it to you.	
	225:13 A. Right. I'm just looking.	
	225:14 Right.	
	225:15 Q. Okay. And Topco, so that we're	
	225:16 clear, is one of the national chains, the	
	225:17 national accounts, right?	
	225:18 A. It's a buying group that has	
	225:19 chains associated with it, but it's in our	
	225:20 segment.	
	225:21 Q. Right. Okay. It's in your	
	225:22 segment --	
	225:23 A. Correct.	
	225:24 Q. -- under your control --	
	225:25 A. Correct.	
	226:1 Q. -- which is why you're	
	226:2 discussing this with we.	
	226:3 A. Correct.	
	226:4 Q. So up here you respond and you	
	226:5 say, "You were right in that the reduction	
	226:6 was just taking out a buffer, so we have no	
	226:7 concerns and do not anticipate any negative	

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	226:8 impact. This should be a nonissue, so it is 226:9 business as usual from a threshold 226:10 perspective." 226:11 Right? That's what you said? 226:12 A. Correct. 226:13 Q. And this is January 30, 2017, 226:14 right after signing -- this is less than two 226:15 weeks after signing the memorandum of 226:16 understanding regarding the \$150 million fine 226:17 which included allegations in terms of how 226:18 your thresholds were set, how your -- 226:19 McKesson's thresholds were set, right?	
226:21 - 226:22	Hartle, Nathan 08-01-2018 (00:00:01) 226:21 THE WITNESS: That's the 226:22 timing.	NH02.129
227:18 - 227:20	Hartle, Nathan 08-01-2018 (00:00:05) 227:18 McKesson is business as usual 227:19 in regards to the way you set thresholds for 227:20 your customers, right?	NH02.130
227:23 - 227:24	Hartle, Nathan 08-01-2018 (00:00:01) 227:23 Q. That's what you're saying 227:24 there?	NH02.131
228:1 - 228:2	Hartle, Nathan 08-01-2018 (00:00:01) 228:1 THE WITNESS: For these 228:2 customers, yeah.	NH02.132
240:14 - 241:3	Hartle, Nathan 08-01-2018 (00:00:38) 240:14 QUESTIONS BY MR. RAFFERTY: 240:15 Q. All right. Let's -- all right. 240:16 Let's look at what else is going on. 240:17 During 2014, there were some -- 240:18 you're familiar with HDMA. We talked a 240:19 little bit about that earlier, right? 240:20 A. I am. 240:21 Q. That's your trade organization? 240:22 A. Right. Correct. 240:23 (McKesson-Hartle Exhibit 61 240:24 marked for identification.) 240:25 241:1 QUESTIONS BY MR. RAFFERTY: 241:2 Q. Okay. And if we look at 1490,	NH02.133

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241:4 - 242:11	<p>241:3 which will be Exhibit 61 to the depo.</p> <p>Hartle, Nathan 08-01-2018 (00:01:03)</p> <p>241:4 So this is right around the</p> <p>241:5 time you're starting at McKesson, right, May</p> <p>241:6 2014?</p> <p>241:7 A. In 2014.</p> <p>241:8 Q. Okay. "SGAC annual meeting."</p> <p>241:9 Do you see that?</p> <p>241:10 A. I see that.</p> <p>241:11 Q. And what is that; do you know?</p> <p>241:12 A. I don't know.</p> <p>241:13 Q. It says "HDMA" down at the</p> <p>241:14 bottom, Healthcare Distribution Management</p> <p>241:15 Association. You guys are on the -- you</p> <p>241:16 guys. You're -- McKesson is on the executive</p> <p>241:17 committee of that, right?</p> <p>241:18 A. Correct.</p> <p>241:19 Q. Okay. And it says, if you look</p> <p>241:20 at point 2, "HDMA state government affairs</p> <p>241:21 capabilities, prepared for the HDMA executive</p> <p>241:22 committee expense working group."</p> <p>241:23 Do you see that?</p> <p>241:24 A. I do see that.</p> <p>241:25 Q. And one of the things, if you</p> <p>242:1 turn over a couple of pages to .4, one of the</p> <p>242:2 things it says is, "Challenges on the</p> <p>242:3 horizon: State efforts to address, reduce,</p> <p>242:4 prevent prescription abuse and diversion."</p> <p>242:5 Do you see that?</p> <p>242:6 A. I see that.</p> <p>242:7 Q. Okay. So your trade</p> <p>242:8 organization that you're on the executive</p> <p>242:9 committee sees states' efforts to reduce and</p> <p>242:10 prevent diversion as a challenge to your</p> <p>242:11 business, right?</p>	NH02.252
242:13 - 242:15	<p>Hartle, Nathan 08-01-2018 (00:00:02)</p> <p>242:13 QUESTIONS BY MR. RAFFERTY:</p> <p>242:14 Q. Not as an opportunity but as a</p> <p>242:15 challenge?</p>	NH02.134
242:17 - 242:19	<p>Hartle, Nathan 08-01-2018 (00:00:02)</p>	NH02.135

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286:18 - 287:4	<p>242:17 THE WITNESS: I don't know what 242:18 the speaking points are, but it's on 242:19 the challenge slide.</p> <p>Hartle, Nathan 08-01-2018 (00:00:30)</p> <p>286:18 Q. All right. Around this same 286:19 time period, Mr. Hartle, that we were 286:20 discussing that letter from the US Attorney 286:21 from West Virginia, there was also other 286:22 US Attorneys involved in investigating 286:23 McKesson's failure to report suspicious 286:24 orders, true?</p> <p>286:25 A. Yes.</p> <p>287:1 Q. In fact, one of those was John 287:2 Walsh from the District of Colorado, and that 287:3 letter is August 13, 2004 -- August 13, 2014, 287:4 correct? It's Exhibit 54.</p>	NH02.136
287:5 - 287:24	<p>Hartle, Nathan 08-01-2018 (00:00:39)</p> <p>287:5 A. Is it August 13, 2014?</p> <p>287:6 Q. Yes, sir.</p> <p>287:7 A. Correct.</p> <p>287:8 Q. All right. If we turn to 287:9 page 2 of that -- well, go back, just so I 287:10 can orient.</p> <p>287:11 Okay. So you see up there, 287:12 August 13, 2014. And it's "Re: possible 287:13 civil action against McKesson Corporation for 287:14 violations of the Controlled Substances Act," 287:15 correct?</p> <p>287:16 A. Correct.</p> <p>287:17 Q. Okay. So if we go to page 2, 287:18 it says here in the second full paragraph at 287:19 the beginning, "The regulatory requirement to 287:20 report suspicious orders is not meaningless 287:21 box-checking." 287:22 Do you see that?</p> <p>287:23 A. I see that.</p> <p>287:24 Q. And you agree with that, right?</p>	NH02.253
288:1 - 288:2	<p>Hartle, Nathan 08-01-2018 (00:00:02)</p> <p>288:1 THE WITNESS: It's not a 288:2 meaningless process, no.</p>	NH02.137

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288:21 - 289:14	Hartle, Nathan 08-01-2018 (00:00:36) 288:21 Q. And then it goes on and says, 288:22 "Suspicious order reporting serves concrete 288:23 public safety goals." 288:24 Do you see that? 288:25 A. I see that. 289:1 Q. "Distributors are on the front 289:2 lines and thus in a unique position to 289:3 promptly advise the DEA when they receive an 289:4 order that is unusual, deviates from a normal 289:5 patterns or is otherwise suspicious or 289:6 inappropriate. If the distributor does not 289:7 alert the DEA of such orders, then the DEA 289:8 cannot take the necessary law enforcement 289:9 steps to investigate the orders and prevent 289:10 diversion. In this manner, distributors like 289:11 McKesson-Aurora play a vital role in 289:12 preventing diversion." 289:13 Do you see that? 289:14 A. I see that.	NH02.138
289:19 - 290:4	Hartle, Nathan 08-01-2018 (00:00:40) 289:19 Q. So then if we turn to 289:20 .3, page .3, I'm sorry, it says in that top 289:21 paragraph, "Instead, when McKesson-Aurora 289:22 received a suspicious order from one of its 289:23 pharmacy customers, the distribution center 289:24 manipulated its internal control systems in 289:25 various ways to avoid having to report that 290:1 order." 290:2 Now, what they're talking about 290:3 there is manipulating the threshold change 290:4 requests, aren't they?	NH02.139
290:6 - 290:7	Hartle, Nathan 08-01-2018 (00:00:01) 290:6 THE WITNESS: They're talking 290:7 about thresholds.	NH02.140
290:9 - 290:25	Hartle, Nathan 08-01-2018 (00:00:35) 290:9 Q. Okay. "The result was that 290:10 readily available identifiable orders and 290:11 ordering patterns that were obvious signs of 290:12 diversion occurring at McKesson-Aurora	NH02.141

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	<p>290:13 customer pharmacies went unreviewed and</p> <p>290:14 unreported. In this manner,</p> <p>290:15 McKesson-Aurora's desire for increased sales</p> <p>290:16 drove its compliance efforts."</p> <p>290:17 Do you see that?</p> <p>290:18 A. I see that.</p> <p>290:19 Q. Okay. Then it goes on and</p> <p>290:20 says, "McKesson-Aurora's failure to report</p> <p>290:21 suspicious orders to the DEA has had tangible</p> <p>290:22 and tragic consequences."</p> <p>290:23 Have you reviewed this document</p> <p>290:24 before, Mr. Hartle?</p> <p>290:25 A. I have seen it.</p>	
291:20 - 292:7	<p>Hartle, Nathan 08-01-2018 (00:00:33)</p> <p>291:20 Q. Okay. And it says here, "The</p> <p>291:21 tangible and tragic consequences. At least</p> <p>291:22 nine overdose deaths in Colorado can be</p> <p>291:23 traced to purchases made at pharmacies that</p> <p>291:24 were purchasing unusually high quantities of</p> <p>291:25 oxycodone and hydrocodone from</p> <p>292:1 McKesson-Aurora."</p> <p>292:2 Do you see that?</p> <p>292:3 A. I do.</p> <p>292:4 Q. Identified nine deaths as a</p> <p>292:5 direct result of diversion involving</p> <p>292:6 pharmacies you were providing the narcotics</p> <p>292:7 to, right?</p>	NH02.142
292:9 - 292:20	<p>Hartle, Nathan 08-01-2018 (00:00:26)</p> <p>292:9 THE WITNESS: I see that listed</p> <p>292:10 in here, yes.</p> <p>292:11 QUESTIONS BY MR. RAFFERTY:</p> <p>292:12 Q. So after you got this</p> <p>292:13 information in 2014, did you reach out? Did</p> <p>292:14 you try to find who those people were? Did</p> <p>292:15 you try to go to the pharmacy? Did you try</p> <p>292:16 to reach out to anybody in Aurora that was</p> <p>292:17 involved in these deaths, any of their family</p> <p>292:18 members, to try and figure out how McKesson</p> <p>292:19 could not -- could do something to not let</p> <p>292:20 this happen again? Did you do that?</p>	NH02.143

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292:22 - 292:23	Hartle, Nathan 08-01-2018 (00:00:02) 292:22 THE WITNESS: Personally, no, I 292:23 did not.	NH02.144
292:25 - 293:12	Hartle, Nathan 08-01-2018 (00:00:33) 292:25 Q. "At least two drug trafficking 293:1 organizations were operating out of 293:2 McKesson-Aurora-supplied pharmacies and 293:3 diverting prescription drugs for sales on the 293:4 street, but McKesson-Aurora never once 293:5 reported those pharmacies' blatant pattern of 293:6 suspicious ordering to the DEA." 293:7 Do you see that? 293:8 A. I see that. 293:9 Q. So nine people dead, two drug 293:10 trafficking organizations running out of 293:11 pharmacies that you were selling narcotics 293:12 to, and no reports to the DEA, right?	NH02.145
293:14 - 293:15	Hartle, Nathan 08-01-2018 (00:00:01) 293:14 THE WITNESS: Again, that's -- 293:15 those are the allegations, yes.	NH02.146
293:17 - 293:20	Hartle, Nathan 08-01-2018 (00:00:15) 293:17 Q. All after -- years after you 293:18 signed an agreement with the DEA in 2008 to 293:19 report suspicious orders and to stop 293:20 shipments of suspicious orders, right?	NH02.147
293:22 - 293:23	Hartle, Nathan 08-01-2018 (00:00:02) 293:22 THE WITNESS: After that 293:23 settlement agreement, yes.	NH02.148
294:1 - 294:13	Hartle, Nathan 08-01-2018 (00:00:41) 294:1 In fact, amazingly, if you look 294:2 down in 2011, not only was McKesson turning a 294:3 blind eye to what was going on at the 294:4 McKesson-Aurora facility but, in fact, in 294:5 2011 McKesson-Aurora was recognized as the 294:6 distribution center of the year and given an 294:7 award. 294:8 Do you see that? 294:9 A. I do see that. 294:10 Q. Do you think the families of 294:11 those nine people who passed away feel like	NH02.149

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294:12	the Aurora -- McKesson-Aurora distribution	
294:13	center should be given an award?	
294:15 - 294:16	Hartle, Nathan 08-01-2018 (00:00:03)	NH02.150
294:15	THE WITNESS: I certainly	
294:16	wouldn't feel that way.	
318:24 - 319:10	Hartle, Nathan 08-01-2018 (00:00:25)	NH02.151
318:24	Q. Okay. And in fact, you're	
318:25	familiar with the concept of the migration of	
319:1	diverted drugs, correct, meaning drugs	
319:2	that -- go ahead.	
319:3	A. That move borders.	
319:4	Q. Right.	
319:5	A. Right.	
319:6	Q. Drugs don't just -- because you	
319:7	sell it to one particular pharmacy doesn't --	
319:8	in one particular town doesn't mean that drug	
319:9	is staying in that town, right?	
319:10	A. Agreed.	
319:25 - 320:16	Hartle, Nathan 08-01-2018 (00:00:29)	NH02.152
319:25	This is from Exhibit 44, and I	
320:1	can just put this up, if you want. It's a	
320:2	chart.	
320:3	This is from, just so you are	
320:4	aware, the prescription drug abuse we looked	
320:5	at earlier.	
320:6	A. I've seen it before.	
320:7	Q. Okay.	
320:8	A. Okay.	
320:9	Q. From McKesson. This is from	
320:10	McKesson in 2014. And this is one of the	
320:11	slides. "Drug diversion, migration out of	
320:12	Florida."	
320:13	And you see the arrow going all	
320:14	the way up through Georgia, Tennessee,	
320:15	Kentucky, Ohio, Missouri?	
320:16	A. Yeah, I'm aware of --	
320:18 - 320:20	Hartle, Nathan 08-01-2018 (00:00:03)	NH02.153
320:18	THE WITNESS: Oh, excuse me.	
320:19	Aware of how drugs move and	
320:20	migrate, so...	

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321:6 - 321:17	Hartle, Nathan 08-01-2018 (00:00:26) 321:6 And in fact, the distribution 321:7 centers that you're talking about, that when 321:8 we're talking about distribution centers in 321:9 these states, those distribution centers 321:10 actually service pharmacies in other states, 321:11 right? 321:12 It's not just because it's 321:13 located in, you know, Washington Court House, 321:14 Ohio, that it's not servicing pharmacies in 321:15 other states or surrounding states, correct? 321:16 A. Correct. Distribution centers 321:17 can serve customers in multiple states.	NH02.154
323:5 - 323:11	Hartle, Nathan 08-01-2018 (00:00:19) 323:5 Q. And specifically -- so what I'm 323:6 saying is, because we're talking about -- 323:7 trying to see that -- the effect that that 323:8 has, that diversion has -- based out of 323:9 distribution centers, it affects not just the 323:10 state that it's sitting in but many other 323:11 states that it services as well, correct?	NH02.155
323:13 - 323:14	Hartle, Nathan 08-01-2018 (00:00:02) 323:13 THE WITNESS: I agree that 323:14 diversion migrates.	NH02.156
389:12 - 390:1	Hartle, Nathan 08-01-2018 (00:00:27) 389:12 QUESTIONS BY MR. PAPANTONIO: 389:13 Q. Sir, I was -- I listened to you 389:14 when you said that you thought there was a 389:15 responsibility to know what's going on 389:16 news-wise around the country. If you know 389:17 what a reporter is saying about a particular 389:18 area, that's important information to you, 389:19 and I think you said -- you explained that to 389:20 my partner. You said, yes, that's important; 389:21 yes, I keep up with it; no, I can't tell you 389:22 what everybody else does, but I do. That's I 389:23 think what you said. 389:24 A. Correct. 389:25 Q. If I didn't characterize that 390:1 right --	NH02.157

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390:3 - 390:12	Hartle, Nathan 08-01-2018 (00:00:20) 390:3 QUESTIONS BY MR. PAPANTONIO: 390:4 Q. Right? 390:5 A. Yeah, as part of my entire 390:6 career, I want to stay in tune with -- 390:7 Q. And you saw where my partner 390:8 actually showed you that you were doing what 390:9 the DEA told you to do, which was to stay 390:10 abreast of what the newspaper reports are in 390:11 any given area about problems that there may 390:12 be with opioids.	NH02.158
390:14 - 390:23	Hartle, Nathan 08-01-2018 (00:00:14) 390:14 QUESTIONS BY MR. PAPANTONIO: 390:15 Q. Do you remember that section 390:16 that he showed you where the DEA said this is 390:17 something you should do? 390:18 A. Correct. 390:19 Q. Okay. So did you know to do 390:20 that because the DA directed you -- DEA 390:21 directed you or did you just think that was a 390:22 good idea to stay abreast of what was going 390:23 on with news reports from around the country?	NH02.159
390:25 - 391:1	Hartle, Nathan 08-01-2018 (00:00:02) 390:25 THE WITNESS: That's what I do 391:1 as part of my information gathering.	NH02.160
391:13 - 391:19	Hartle, Nathan 08-01-2018 (00:00:13) 391:13 Explain to the jury, if you 391:14 would, why this process that -- I don't want 391:15 to judge whether you did it on your own or 391:16 whether the DEA told you to do it, but this 391:17 process of where you think gathering 391:18 information from news sources is important. 391:19 Explain to them why that's important.	NH02.161
391:21 - 392:1	Hartle, Nathan 08-01-2018 (00:00:11) 391:21 THE WITNESS: It's important to 391:22 help understand the landscape, what's 391:23 going on, different -- different 391:24 information you can gain to help you 391:25 better run your program or better 392:1 understand what's happening.	NH02.162

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429:15 - 429:24	Hartle, Nathan 08-01-2018 (00:00:19) 429:15 Did you know that there was a 429:16 representation made -- it wasn't from your 429:17 company, but there was a representation made 429:18 to Congress during the Congressional hearings 429:19 that there -- the reason they didn't know 429:20 exactly how many drugs were being told -- 429:21 sold in a pharmacy is they didn't know what 429:22 the other companies were selling to the 429:23 pharmacy. 429:24 You ever heard that?	NH02.163
430:1 - 430:7	Hartle, Nathan 08-01-2018 (00:00:08) 430:1 THE WITNESS: I've heard 430:2 statements like that. 430:3 QUESTIONS BY MR. PAPANTONIO: 430:4 Q. But that wouldn't be true. You 430:5 had the ability to find out all the drugs 430:6 that were being sold in a pharmacy. We can 430:7 agree with that, can't we?	NH02.164
430:9 - 430:11	Hartle, Nathan 08-01-2018 (00:00:02) 430:9 QUESTIONS BY MR. PAPANTONIO: 430:10 Q. You could have done an audit 430:11 anytime?	NH02.165
430:13 - 430:20	Hartle, Nathan 08-01-2018 (00:00:05) 430:13 THE WITNESS: That was part of 430:14 our process. We would get -- 430:15 QUESTIONS BY MR. PAPANTONIO: 430:16 Q. Yes, sir. 430:17 A. -- dispensing data and be able 430:18 to see -- 430:19 Q. That's what I'm trying to get 430:20 at. I just want to be clear about something.	NH02.166
431:5 - 431:11	Hartle, Nathan 08-01-2018 (00:00:17) 431:5 Q. If you wanted to know whether 431:6 Cardinal was selling drugs to a pharmacy 431:7 along with Amerisource, you had the right to 431:8 audit and find out. You knew exactly how 431:9 many drugs were being sold in any given 431:10 pharmacy that you were doing business with, 431:11 at least when you came along?	NH02.167

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431:13 - 431:14	Hartle, Nathan 08-01-2018 (00:00:02) 431:13 THE WITNESS: Correct. We 431:14 would ask for dispensing to validate.	NH02.168
437:20 - 438:3	Hartle, Nathan 08-01-2018 (00:00:24) 437:20 QUESTIONS BY MR. PAPANTONIO: 437:21 Q. Here's what I want to ask you 437:22 about. You don't have -- there is no oxy 437:23 express if the level of narcotics are 437:24 properly controlled. If you don't have a 437:25 glut, an excess, of pharmaceuticals, things 438:1 like -- things like the oxy express can't 438:2 even exist because there aren't enough pills, 438:3 right? You'd agree with that?	NH02.169
438:5 - 438:9	Hartle, Nathan 08-01-2018 (00:00:02) 438:5 THE WITNESS: If there's less 438:6 pills -- 438:7 QUESTIONS BY MR. PAPANTONIO: 438:8 Q. Right. 438:9 A. -- sure.	NH02.170
439:6 - 439:11	Hartle, Nathan 08-01-2018 (00:00:09) 439:6 But Kermit was in West 439:7 Virginia, correct? You know that? 439:8 A. Correct. 439:9 Q. And it had a population of 439:10 about 406 people; you know that. It's a very 439:11 small population.	NH02.171
439:13 - 439:21	Hartle, Nathan 08-01-2018 (00:00:16) 439:13 THE WITNESS: Small population. 439:14 QUESTIONS BY MR. PAPANTONIO: 439:15 Q. Okay. But nevertheless, it was 439:16 getting millions of pills shipped into this 439:17 little area of a population of 406 people; 439:18 did you know that? 439:19 Do you know how many million of 439:20 pills were shipped in, that McKesson actually 439:21 shipped in?	NH02.172
439:23 - 439:25	Hartle, Nathan 08-01-2018 (00:00:01) 439:23 THE WITNESS: I know there were 439:24 many. 439:25	NH02.173

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442:4 - 442:9	Hartle, Nathan 08-01-2018 (00:00:14) 442:4 Q. Yeah, but you would agree 442:5 that if there's millions of pills that are 442:6 supposed to be shipped just to the town of 442:7 Kermit, then 406 people cannot absorb 442:8 millions of narcotics. You would agree with 442:9 that. I mean, that's just logic.	NH02.174
442:11 - 442:14	Hartle, Nathan 08-01-2018 (00:00:03) 442:11 QUESTIONS BY MR. PAPANTONIO: 442:12 Q. True? 442:13 A. 400 people can't consume that 442:14 many pills.	NH02.175
443:1 - 443:5	Hartle, Nathan 08-01-2018 (00:00:15) 443:1 Q. Okay. So Judy's Pharmacy is 443:2 selling more -- they're getting in all these 443:3 pills, but the population -- if the 443:4 population can't cover the pills, then the 443:5 excess has to go somewhere, correct?	NH02.176
443:7 - 443:14	Hartle, Nathan 08-01-2018 (00:00:15) 443:7 QUESTIONS BY MR. PAPANTONIO: 443:8 Q. I mean, you'd agree with that, 443:9 wouldn't you? 443:10 A. Correct. 443:11 Q. Okay. And one place it goes in 443:12 diversion is it goes to pill mills, right? 443:13 Goes to pill mills; that's one place? 443:14 A. It can.	NH02.177
446:7 - 446:9	Hartle, Nathan 08-01-2018 (00:00:03) 446:7 MS. MOORE: McKesson-Hartle 76. 446:8 (McKesson-Hartle Exhibit 76 446:9 marked for identification.)	NH02.178
446:10 - 447:9	Hartle, Nathan 08-01-2018 (00:00:59) 446:10 QUESTIONS BY MR. PAPANTONIO: 446:11 Q. Okay. So if we go through this 446:12 document, this is written Congress -- this is 446:13 Congress of the United States and -- it's 446:14 Congress of the United States, and it's 446:15 written to Mr. Hammergren. 446:16 Do you see that? 446:17 A. Yes.	NH02.254

446:18 Q. And Mr. Hammergren is the
 446:19 president of the company. He's president and
 446:20 chief executive officer of your company,
 446:21 McKesson, and has been all the time you've
 446:22 worked there, correct?

446:23 A. Correct.

446:24 Q. All right. So the first
 446:25 paragraph -- let's look at that first
 447:1 paragraph. It says, "Pursuant to the Rules X
 447:2 and XI of the US House of Representatives,
 447:3 the committee is continuing to investigate
 447:4 the opioid epidemic in the US that is taking
 447:5 115 lives a day."

447:6 You've known that that's a
 447:7 figure that's been thrown around there for a
 447:8 long time, and that is 115 people die every
 447:9 day because of the opioid crisis, correct?

447:11 - 448:3

Hartle, Nathan 08-01-2018 (00:00:36)

NH02.179

447:11 THE WITNESS: I've seen those
 447:12 type of figures, yeah.

447:13 QUESTIONS BY MR. PAPANTONIO:

447:14 Q. And then it says, "As part of
 447:15 our investigation, the committee wrote to
 447:16 you" -- he's talking to Mr. Hammergren -- "on
 447:17 May 8, 2017, regarding your distribution
 447:18 practices generally, and in particular with
 447:19 West Virginia -- with respect to West
 447:20 Virginia. As we mentioned in that letter,
 447:21 the opioid epidemic has been particularly
 447:22 devastating to West Virginia."

447:23 Now, you knew that when you
 447:24 came to work with this company, that West
 447:25 Virginia -- not just West Virginia but other
 448:1 parts of this country were devastated by an
 448:2 overabundance, a glut, of opioids.

448:3 You know that, right?

448:5 - 448:7

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NH02.180

448:5 THE WITNESS: I knew certain
 448:6 parts of the country, sure, were
 448:7 impacted by the epidemic.

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450:20 - 451:16	Hartle, Nathan 08-01-2018 (00:00:57) 450:20 QUESTIONS BY MR. PAPANTONIO: 450:21 Q. Okay. Fair enough. 450:22 You see it says -- page 2 -- 450:23 page 2. Go to page 2, please. 450:24 It says, "Sav-Rite No. 1, 450:25 Kermit, West Virginia." 451:1 That's a store that you sold 451:2 pharmaceuticals -- that McKesson sold 451:3 narcotics to, correct? 451:4 A. Correct. I said correct. 451:5 Q. I'm sorry, I didn't hear. 451:6 It said, "In December of 2016, 451:7 the Charleston Gazette reported that the 451:8 Sav-Rite Pharmacy located in Kermit, West 451:9 Virginia, was among the top purchasers of 451:10 hydrocodone in West Virginia between 2007 and 451:11 2012. According to US Census data, the town 451:12 of Kermit had a population of 406 individuals 451:13 in 2010." 451:14 I used the 400. You remember 451:15 using 406 as the population in Kermit? 451:16 A. I do.	NH02.181
452:13 - 453:6	Hartle, Nathan 08-01-2018 (00:01:03) 452:13 QUESTIONS BY MR. PAPANTONIO: 452:14 Q. Okay. It says, "According to 452:15 the DEA, automation of reports and 452:16 consolidation orders, data obtained by the 452:17 committee, in 2006 McKesson shipped 2,211,630 452:18 hydrocodone pills and 78,500 oxycodone to 452:19 Strosnider Pharmacy, a/k/a Sav-Rite Pharmacy 452:20 No. 1." 452:21 Do you see that? 452:22 A. I see that. 452:23 MR. PAPANTONIO: Underline 78 452:24 million 500 -- 78,500 oxycodone pills. 452:25 QUESTIONS BY MR. PAPANTONIO: 453:1 Q. It says, "This means that in 453:2 2006, McKesson would have shipped in an 453:3 average of 186,303 codone [sic] pills per	NH02.182

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453:8 - 453:23	<p>453:4 month, for a 6,059 hydrocodone pills per 453:5 day." 453:6 Do you see that? Hartle, Nathan 08-01-2018 (00:00:32) 453:8 THE WITNESS: I see that. 453:9 QUESTIONS BY MR. PAPANTONIO: 453:10 Q. All right. Is that the first 453:11 time you've seen those kind of numbers? 453:12 A. No. 453:13 Q. Oh, you'd seen that before 453:14 today? 453:15 A. Generally these numbers, yeah. 453:16 Q. Okay. And it says -- it says, 453:17 the bottom line in that paragraph, "Applying 453:18 the DEA data, it can be determined that 453:19 McKesson supplied 76 percent of the Sav-Rite 453:20 Pharmacy No. 1 hydrocodone pills that year." 453:21 When was the first time you saw 453:22 this document? 453:23 A. I can't recall.</p>	NH02.183
454:3 - 454:7	<p>Hartle, Nathan 08-01-2018 (00:00:07) 454:3 QUESTIONS BY MR. PAPANTONIO: 454:4 Q. By the time you got done, they 454:5 already had an increased rate of addiction, 454:6 an increased rate of death in Kermit. 454:7 A. Yeah.</p>	NH02.184
454:13 - 455:1	<p>Hartle, Nathan 08-01-2018 (00:00:49) 454:13 Now the next paragraph it says, 454:14 "The ARCOS data further shows that in the 454:15 following year, 2007, McKesson shipped 454:16 2,624,680 hydrocodone pills and 40,900 454:17 oxycodone pills to Sav-Rite Pharmacy No. 1. 454:18 This is equivalent to an average of 218,723 454:19 hydrocodone pills per month, or 7,191 454:20 hydrocodone pills per day." 454:21 Now, sir, if that was shipped 454:22 into Kermit, those are startling numbers, 454:23 aren't they? I mean, look, just common 454:24 sense, those are startling numbers. And I'm 454:25 not saying you did that, but those are</p>	NH02.185

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455:3 - 455:25	<p>455:1 startling numbers, aren't they?</p> <p>Hartle, Nathan 08-01-2018 (00:00:38)</p> <p>455:3 QUESTIONS BY MR. PAPANTONIO:</p> <p>455:4 Q. To a population of 406 people?</p> <p>455:5 A. Again, those are large numbers,</p> <p>455:6 but again I would -- you know, the context of</p> <p>455:7 the prescribing area and the population that</p> <p>455:8 that pharmacy may serve could change those a</p> <p>455:9 little bit. Doesn't mean it's not -- they're</p> <p>455:10 not still large numbers.</p> <p>455:11 Q. Well, you know the DEA</p> <p>455:12 evaluated that, and we'll talk about that in</p> <p>455:13 a moment. They looked around to see how does</p> <p>455:14 Kermit compare to other parts of West</p> <p>455:15 Virginia.</p> <p>455:16 You know that, right? Correct?</p> <p>455:17 A. I think so.</p> <p>455:18 Q. Okay.</p> <p>455:19 A. You'll have to refresh my</p> <p>455:20 memory on that.</p> <p>455:21 Q. So in other words, the idea of</p> <p>455:22 saying, well, there were just more hospitals</p> <p>455:23 around Kermit or more pharmacies, that</p> <p>455:24 doesn't get that many pills into Kermit, does</p> <p>455:25 it?</p>	NH02.186
456:2 - 456:2	<p>Hartle, Nathan 08-01-2018 (00:00:00)</p> <p>456:2 THE WITNESS: I understand.</p>	NH02.187
457:1 - 457:4	<p>Hartle, Nathan 08-01-2018 (00:00:07)</p> <p>457:1 Q. And one place that</p> <p>457:2 the glut goes is it's diverted to other parts</p> <p>457:3 of that area. You would agree with that,</p> <p>457:4 right?</p>	NH02.188
457:6 - 457:8	<p>Hartle, Nathan 08-01-2018 (00:00:01)</p> <p>457:6 QUESTIONS BY MR. PAPANTONIO:</p> <p>457:7 Q. We know that for a fact?</p> <p>457:8 A. It can be, yes.</p>	NH02.189
465:17 - 465:25	<p>Hartle, Nathan 08-01-2018 (00:00:19)</p> <p>465:17 Q. Yeah. It says, "They knew that</p> <p>465:18 Sav-Rite was a pill mill." Sav-Rite was a</p> <p>465:19 pill mill.</p>	NH02.190

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Page/Line	Source	ID
	465:20 What is a pill mill in your 465:21 definition of a pill mill? 465:22 A. I mean, you could describe them 465:23 in many ways, but diverting drugs, you know, 465:24 not dispensing for legitimate medical 465:25 reasons.	
466:11 - 466:16	Hartle, Nathan 08-01-2018 (00:00:21) 466:11 Q. Okay. It says, "Press reports 466:12 describe a stampede of customers frequenting 466:13 the pharmacy, so many that the town had to 466:14 hire an extra police officer to handle a 466:15 spike in crime, extra crews to clean up the 466:16 mess that the clientele left behind."	NH02.191
467:9 - 467:11	Hartle, Nathan 08-01-2018 (00:00:03) 467:9 QUESTIONS BY MR. PAPANTONIO: 467:10 Q. Do you have a good reason for 467:11 that, why taxpayers should foot that bill?	NH02.192
467:13 - 467:14	Hartle, Nathan 08-01-2018 (00:00:01) 467:13 THE WITNESS: I don't have a 467:14 good reason.	NH02.193
468:21 - 469:3	Hartle, Nathan 08-01-2018 (00:00:12) 468:21 QUESTIONS BY MR. PAPANTONIO: 468:22 Q. So my question is: If you're 468:23 making billion -- if you're making money, why 468:24 should taxpayers have to pay for cleaning up 468:25 the mess that was left behind while you were 469:1 making that money? 469:2 You don't feel like that's 469:3 fair, do you?	NH02.194
469:5 - 469:8	Hartle, Nathan 08-01-2018 (00:00:07) 469:5 QUESTIONS BY MR. PAPANTONIO: 469:6 Q. That's not fair, is it? 469:7 A. I don't have a response for 469:8 you.	NH02.195
469:14 - 469:19	Hartle, Nathan 08-01-2018 (00:00:21) 469:14 It doesn't seem fair that taxpayers should 469:15 have to foot the bill for EMTs, for police, 469:16 for hospital care, for court costs that might 469:17 be attributed to a glut of pills being 469:18 shipped into an area like this by McKesson.	NH02.196

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469:21 - 470:2	<p>469:19 That's just not fair, is it?</p> <p>Hartle, Nathan 08-01-2018 (00:00:08)</p> <p>469:21 THE WITNESS: I think logically</p> <p>469:22 it doesn't seem fair, but --</p> <p>469:23 QUESTIONS BY MR. PAPANTONIO:</p> <p>469:24 Q. That's all --</p> <p>469:25 A. -- but there's many -- there's</p> <p>470:1 many involved in the -- you know, in the</p> <p>470:2 entire system.</p>	NH02.197
471:5 - 472:6	<p>Hartle, Nathan 08-01-2018 (00:01:01)</p> <p>471:5 Q. I'm on the same page.</p> <p>471:6 It says, "According to DEA</p> <p>471:7 data, McKesson supplied a pharmacy in Mount</p> <p>471:8 Gay-Shamrock, West Virginia, with more than</p> <p>471:9 six times the amount of hydrocodone that an</p> <p>471:10 average pharmacy in rural West Virginia would</p> <p>471:11 have been expected to receive."</p> <p>471:12 Do you see that?</p> <p>471:13 A. I'm sorry, I was on the</p> <p>471:14 previous page. Let me read that real quick.</p> <p>471:15 Q. "According to DEA data." Yeah.</p> <p>471:16 Yeah.</p> <p>471:17 "According to the DEA data,</p> <p>471:18 McKesson supplied a pharmacy in Mount</p> <p>471:19 Gay-Shamrock, West Virginia, with more than</p> <p>471:20 six times the amount of hydrocodone" --</p> <p>471:21 It's talking about McKesson</p> <p>471:22 here, right?</p> <p>471:23 A. I see that.</p> <p>471:24 Q. Okay.</p> <p>471:25 -- "more than six times the</p> <p>472:1 amount of the hydrocodone that an average</p> <p>472:2 pharmacy in rural West Virginia would have</p> <p>472:3 been expected to receive."</p> <p>472:4 I read that.</p> <p>472:5 Then it goes on to say,</p> <p>472:6 "DEA" --</p>	NH02.198
472:10 - 472:22	<p>Hartle, Nathan 08-01-2018 (00:00:46)</p> <p>472:10 QUESTIONS BY MR. PAPANTONIO:</p> <p>472:11 Q. "DEA ARCOS data showed that</p>	NH02.199

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	472:12 between 2006 and 2014, McKesson supplied 472:13 Family Discount Pharmacy in Mount Shamrock 472:14 [sic] with 5,122,290 [sic] hydrocodone 472:15 pills" -- you see that? -- "and 695,000 472:16 oxycodone pills, for a total of 5,818,020 472:17 pills." 472:18 Do you know what the -- do you 472:19 know what the population of that place was? 472:20 If I told you it was 1,700, 472:21 would you be surprised? Population of 1,700 472:22 people, would that surprise you?	
472:24 - 473:1	Hartle, Nathan 08-01-2018 (00:00:02) 472:24 THE WITNESS: It would surprise 472:25 me. I don't know what the number is, 473:1 but...	NH02.200
478:12 - 478:13	Hartle, Nathan 08-01-2018 (00:00:01) 478:12 MS. MOORE: McKesson-Hartle 478:13 101.	NH02.201
478:17 - 479:8	Hartle, Nathan 08-01-2018 (00:00:38) 478:17 Q. Had anybody ever told you that 478:18 the problem was so bad all the way back in 478:19 2011 -- this is the Charleston Gazette-Mail. 478:20 And, sir, this is actually -- had you seen 478:21 see this article before? This the 478:22 Gazette-Mail talking about the very area 478:23 we've been talking about. 478:24 A. I'm not sure. 478:25 Q. Okay. Well, just for the 479:1 record, I want to point out that as we go 479:2 forward, this is a document -- this is a 479:3 newspaper article that is actually attached 479:4 to the Congressional record. 479:5 A. Okay. 479:6 Q. This came out of the hearings 479:7 of the Congressional record. 479:8 A. Okay.	NH02.202
479:21 - 481:7	Hartle, Nathan 08-01-2018 (00:01:21) 479:21 Q. And it says -- I have it 479:22 right -- it says, "A couple of blocks away, 479:23 people lined up before 6 a.m. to visit	NH02.203

479:24 another doctor's -- another clinic's doctor.
 479:25 The community was frustrated. They called it
 480:1 Pilliamson instead of Williamson, said Mingo
 480:2 County prosecuting attorney Michael Sparks.
 480:3 It was an open secret, you might say, federal
 480:4 and state authorities are handling an ongoing
 480:5 investigation of the clinics, but Sparks says
 480:6 prescription drug abuse causes most of the
 480:7 local crimes he prosecutes - robberies,
 480:8 assaults, forgery."
 480:9 Do you see that?
 480:10 "Even though the clinics are
 480:11 now shuttered, substance abuse still plagues
 480:12 the area. People can still find pills."
 480:13 Do you see that?
 480:14 A. I do.
 480:15 Q. Now, you understand the
 480:16 other -- the other part of this. You
 480:17 understand once opioids -- once people are
 480:18 addicted to opioids, narcotic opioids, their
 480:19 chances of them moving to heroin are
 480:20 dramatically increased.
 480:21 You've heard that before,
 480:22 right?
 480:23 A. I have.
 480:24 Q. I think you've actually --
 480:25 A. It's in my presentations.
 481:1 Q. It's in your presentation.
 481:2 You've talked to people about it.
 481:3 When you were trying to warn
 481:4 other people about this issue, this is
 481:5 something you raised, that the natural
 481:6 progression goes from opioids to heroin,
 481:7 true?

481:10 - 481:12 **Hartle, Nathan 08-01-2018 (00:00:03)**

NH02.204

481:10 Q. You know that?
 481:11 A. I've shared some of those data
 481:12 points about the -- you know.

20:1 - 22:5 **Hartle, Nathan 08-01-2018 (00:01:32)**

NH02.205

20:1 Okay. So -- and we'll look at

20:2 that in just a minute. But you have
20:3 underneath you some direct reports, including
20:4 Micheal Bishop.
20:5 Do you know who Micheal Bishop
20:6 is?
20:7 A. I do.
20:8 Q. Okay. Michael Oriente. Do you
20:9 know who that is?
20:10 A. I do.
20:11 Q. Okay. Jay Espaillat?
20:12 A. Espaillat.
20:13 Q. Espaillat.
20:14 And then Adam Palmer, who
20:15 reports to Michael Oriente.
20:16 Do you see that?
20:17 A. I do.
20:18 Q. And then Jennifer Sheffield,
20:19 the regulatory affairs admin?
20:20 A. Yeah.
20:21 Q. Okay. And that was your team,
20:22 right?
20:23 A. Was, yeah. It's changed over
20:24 time.
20:25 Q. Okay. It's changed. In
21:1 fact -- yeah. Okay.
21:2 So if we go now to point --
21:3 well, how long was that your team? How long
21:4 did you have -- in particular looking at the
21:5 director of regulatory affairs, Michael
21:6 Oriente, and Micheal Bishop, the regulatory
21:7 affairs manager, how long were they with you?
21:8 A. So it's evolved. When I --
21:9 Michael joined the team -- Michael, Adam
21:10 Palmer -- well, two Michaels and Adam Palmer
21:11 joined the team in 2014. Jay was added -- I
21:12 can't remember the exact time frame, but
21:13 right around in 2015. He supports some work
21:14 I do for the entire regulatory affairs team
21:15 focused on threshold methodology and some
21:16 advancements we made.

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	21:17 Q. Okay. All right. My specific 21:18 question is how long they've been with you. 21:19 A. How long -- 21:20 Q. How long were they on your 21:21 team? 21:22 A. Michael's been on the team 21:23 since 2014. Adam's been 2014. Jay's been 21:24 2015. 21:25 Q. Okay. 22:1 A. Micheal Bishop is no longer 22:2 here. We've had some adjustments. 22:3 Q. But he was with you until 2018, 22:4 correct? 22:5 A. Yes.	
24:14 - 24:19	Hartle, Nathan 08-01-2018 (00:00:09) 24:14 Q. You got Lisa Young as the 24:15 senior director for the west region, right? 24:16 A. Correct. 24:17 Q. And then Gary Boggs is the 24:18 senior director for the east region, right? 24:19 A. Correct.	NH02.206
25:24 - 26:9	Hartle, Nathan 08-01-2018 (00:00:21) 25:24 Q. So tell me, how much of the 25:25 business in terms of US pharma compared to 26:1 the -- because there's another category of 26:2 stores called the -- I believe you refer to 26:3 them as ISMCs; is that right? 26:4 A. Correct. 26:5 Q. Okay. And that is the 26:6 independent small medium chains? 26:7 A. Correct. 26:8 Q. Is that what that stands for? 26:9 A. That's what it stands for, yes.	NH02.207
36:20 - 36:22	Hartle, Nathan 08-01-2018 (00:00:08) 36:20 Q. And in fact, opioid abuse and 36:21 addiction is a gateway to heroin use and 36:22 addiction, correct?	NH02.208
36:24 - 37:2	Hartle, Nathan 08-01-2018 (00:00:05) 36:24 THE WITNESS: I'm not a medical 36:25 expert, but, you know, I've read	NH02.209

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55:11 - 55:14	<p>37:1 things, I use data from different 37:2 sources, and they say that.</p> <p>Hartle, Nathan 08-01-2018 (00:00:07)</p> <p>55:11 Q. Okay.</p> <p>55:12 A. That can be, but not all 55:13 suspicious orders per the regulations are 55:14 diversion, diverted.</p>	NH02.210
77:6 - 77:8	<p>Hartle, Nathan 08-01-2018 (00:00:02)</p> <p>77:6 Q. Okay.</p> <p>77:7 A. Or it can and -- it can.</p> <p>77:8 Q. Right.</p>	NH02.211
136:10 - 136:23	<p>Hartle, Nathan 08-01-2018 (00:00:30)</p> <p>136:10 Q. Okay.</p> <p>136:11 A. They can convert things to 136:12 doses, convert things to base codes. It's 136:13 not just a report they run.</p> <p>136:14 Q. All right. "Threshold warning, 136:15 Section 2.1. When a customer that has 136:16 reached the threshold warning has been 136:17 detected, the director of regulatory affairs 136:18 will notify DC management and sales." 136:19 Do you see that? 136:20 A. I see that.</p> <p>136:21 Q. Now, you would agree with me 136:22 that sales shouldn't be playing any part in 136:23 regulatory decisions, right?</p>	NH02.212
136:25 - 137:7	<p>Hartle, Nathan 08-01-2018 (00:00:11)</p> <p>136:25 THE WITNESS: They don't play 137:1 any part of regulatory decisions. We 137:2 make the decisions.</p> <p>137:3 QUESTIONS BY MR. RAFFERTY:</p> <p>137:4 Q. Okay. I didn't ask you that.</p> <p>137:5 You would agree with me that 137:6 they shouldn't be involved in making 137:7 regulatory decisions, right?</p>	NH02.213
137:9 - 137:13	<p>Hartle, Nathan 08-01-2018 (00:00:06)</p> <p>137:9 THE WITNESS: The decision, no.</p> <p>137:10 QUESTIONS BY MR. RAFFERTY:</p> <p>137:11 Q. Okay.</p> <p>137:12 A. Gathering information for the</p>	NH02.214

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138:18 - 138:22	137:13 context of the request, yes. Hartle, Nathan 08-01-2018 (00:00:11)	NH02.215
138:24 - 139:4	138:18 Q. The very people that 138:19 stand to profit from it are the ones talking 138:20 with the customer to see whether or not they 138:21 should make a threshold change request and 138:22 get that order shipped, right? Hartle, Nathan 08-01-2018 (00:00:11) 138:24 THE WITNESS: Those in sales 138:25 that are incentivized based on sales 139:1 are the ones that are part of the 139:2 intake. I do know we have restricted 139:3 and blocked incentives around 139:4 controlled substances.	NH02.255
145:7 - 145:9	Hartle, Nathan 08-01-2018 (00:00:04) 145:7 Q. But you agree that 145:8 that's what the decision should be based on, 145:9 is direct evidence?	NH02.216
145:11 - 145:17	Hartle, Nathan 08-01-2018 (00:00:15) 145:11 THE WITNESS: And -- and the 145:12 interpretation and collection of 145:13 information and context, yes. 145:14 QUESTIONS BY MR. RAFFERTY: 145:15 Q. That direct evidence should be 145:16 valid business decisions, right? That's part 145:17 of it?	NH02.217
145:19 - 145:20	Hartle, Nathan 08-01-2018 (00:00:02) 145:19 THE WITNESS: It's one of the 145:20 pieces of information, yeah.	NH02.218
199:11 - 199:15	Hartle, Nathan 08-01-2018 (00:00:05) 199:11 Q. You're not rounding down. That 199:12 was my question. 199:13 A. That's -- we're not rounding 199:14 down. 199:15 Q. Right.	NH02.219
199:23 - 200:8	Hartle, Nathan 08-01-2018 (00:00:25) 199:23 Q. Go ahead. 199:24 A. I don't recall every single 199:25 detail associated with these, as they've 200:1 been -- they were a few months after I joined	NH02.220

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200:2 the team. The intent is to allow a customer 200:3 in -- to purchase, to meet that legitimate 200:4 dispensing. And there are reasons why there 200:5 are buffers on top of a dispensing amount, 200:6 even a purchasing amount, because there is 200:7 significant variation in purchasing patterns 200:8 at times.		
204:18 - 205:2	Hartle, Nathan 08-01-2018 (00:00:16) 204:18 Q. And then it says and it goes 204:19 on, "If the current ones are still within 204:20 normal level, with thresholds barely above 204:21 the average and sometimes lower than the max, 204:22 this may cause issues like unnecessary 204:23 omits," right? 204:24 A. Uh-huh. 204:25 Q. So what you're saying is, let's 205:1 use a different calculation than what was 205:2 being proposed, right?	NH02.221
206:24 - 207:4	Hartle, Nathan 08-01-2018 (00:00:11) 206:24 Q. Okay. 206:25 A. I would again contend I don't 207:1 know all the details or recall every single 207:2 detail, but the idea is to allow for 207:3 legitimate dispensing and normal variations 207:4 in purchasing, so --	NH02.222
224:10 - 225:1	Hartle, Nathan 08-01-2018 (00:00:27) 224:10 Q. And then if you go up, 224:11 he says here, "I recommend" -- "I commented 224:12 that this was part of an effort to take out 224:13 the 25 percent buffer that was put in place a 224:14 few years ago but wasn't sure how to respond 224:15 to their question about impact." 224:16 Do you see that? 224:17 A. I see that. I think that -- 224:18 that 25 percent buffer is not related to our 224:19 buffers. That's related to -- 224:20 Q. No, I understand. 224:21 A. -- the DEA quota, buffer, 224:22 right. 224:23 Q. Right.	NH02.223

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224:24 As to how much raw product can 224:25 be provided to the manufacturers, correct? 225:1 A. Correct.		
227:1 - 227:4	Hartle, Nathan 08-01-2018 (00:00:08)	NH02.224
227:1 Q. And so within two weeks you're 227:2 comforting your clients and saying, as far as 227:3 thresholds -- our thresholds are concerned, 227:4 it's business as usual, right?		
227:6 - 227:15	Hartle, Nathan 08-01-2018 (00:00:24)	NH02.225
227:6 THE WITNESS: The context of 227:7 this is that -- the "business as 227:8 usual" meaning the thresholds have 227:9 been established for those customers, 227:10 they're set in a way that allows them 227:11 to meet their dispensing, and we don't 227:12 believe that there's going to be an 227:13 impact to those. And if they -- they 227:14 have a reason to request an increase, 227:15 that we'd follow the normal process.		
438:10 - 438:23	Hartle, Nathan 08-01-2018 (00:00:37)	NH02.226
438:10 Q. Well, here's what I'm getting 438:11 at. Here's really what I'm trying to get to, 438:12 okay? 438:13 Let's go back to this. Let's 438:14 go back to Kermit. If you got a town like 438:15 Kermit -- and in a minute -- you don't have 438:16 to take my word for it; I'll show you the 438:17 actual numbers -- that Kermit had a 438:18 population of about 400 -- I think it's 406 438:19 people, okay? -- during the time that the -- 438:20 during the time that Congress actually wrote 438:21 a letter to your president, Mr. Hammergren. 438:22 Have you ever reviewed that 438:23 letter that Congress wrote to Mr. Hammergren?		
438:25 - 439:5	Hartle, Nathan 08-01-2018 (00:00:08)	NH02.227
438:25 THE WITNESS: Dated when? 439:1 QUESTIONS BY MR. PAPANTONIO: 439:2 Q. I'll have to get to it in a 439:3 minute. But I'm going to rely on the facts 439:4 in that letter, and if I misstate it, it'll		

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442:15 - 442:25	<p>439:5 be in that letter.</p> <p>Hartle, Nathan 08-01-2018 (00:00:30)</p> <p>442:15 Q. So let me show you this</p> <p>442:16 film again because I'm going to go from this</p> <p>442:17 film, and then we're going to talk about</p> <p>442:18 specifics about what the actual Congressional</p> <p>442:19 letter said about places like Kermit and...</p> <p>442:20 There's a family. There's</p> <p>442:21 pills coming in from Judy's Pharmacy.</p> <p>442:22 You remember us talking about</p> <p>442:23 Judy's Pharmacy earlier on? I just called it</p> <p>442:24 Judy's Pharmacy.</p> <p>442:25 A. I do remember that.</p>	NH02.228
493:17 - 493:23	<p>Hartle, Nathan 08-01-2018 (00:00:20)</p> <p>493:17 Q. Go ahead.</p> <p>493:18 A. I was going to say, and as I</p> <p>493:19 came on board, my initial focus was to get to</p> <p>493:20 know the chains, to conduct some due</p> <p>493:21 diligence, understand their programs and help</p> <p>493:22 build out and formalize, you know, the focus</p> <p>493:23 on the chains over the course of time.</p>	NH02.229
497:9 - 499:4	<p>Hartle, Nathan 08-01-2018 (00:01:59)</p> <p>497:9 Q. Tell me about the policies and</p> <p>497:10 procedures that McKesson expects chains to</p> <p>497:11 have in place.</p> <p>497:12 A. It's similar to what I shared.</p> <p>497:13 We expect there to be oversight. We expect</p> <p>497:14 there to be policies and procedures. We</p> <p>497:15 expect there to be, you know, use of data,</p> <p>497:16 you know. We get -- chains may use data.</p> <p>497:17 All of these things may -- they may do in</p> <p>497:18 slightly different ways, but the general</p> <p>497:19 expectation is to have oversight, to have</p> <p>497:20 policies and procedures, to have data to</p> <p>497:21 review. And before a threshold change</p> <p>497:22 request even comes to us, before we make our</p> <p>497:23 own independent decision, to have a process</p> <p>497:24 on their side to review them and do research.</p> <p>497:25 So those are the types of</p> <p>498:1 expectations we have of chains.</p>	NH02.230

498:2 Q. And you mentioned McKesson
 498:3 making an independent decision about
 498:4 threshold changes related to chains.
 498:5 Could you describe that process
 498:6 and what's involved?
 498:7 A. Yeah. The way that threshold
 498:8 requests work as part of our program today is
 498:9 that a chain has their own process and
 498:10 identifies a need or a request to come to us,
 498:11 and they provide us the business
 498:12 justification, they provide us dispensing
 498:13 data.
 498:14 And we have a complete separate
 498:15 review, very consistent with what my peers do
 498:16 on the independent side. We review the
 498:17 business justification. We review the
 498:18 purchasing data. We look at analytics
 498:19 involved with purchasing data. We look at
 498:20 dispensing. We do all of those types of
 498:21 things, and we make our own separate
 498:22 decision. And that means we don't always
 498:23 approve every threshold. We don't always
 498:24 approve it for the same amount. We cancel
 498:25 some, we deny some, consistent with what
 499:1 works on the ISMC decide.
 499:2 So we view our decision, and
 499:3 the chains know we are there to make our own
 499:4 regulatory decision.

499:5 - 500:12

Hartle, Nathan 08-01-2018 (00:01:31)

NH02.231

499:5 Q. And we've talked about the
 499:6 review that takes place surrounding threshold
 499:7 change requests.
 499:8 Are there also occasions when
 499:9 McKesson may reach out to a chain about data
 499:10 that it sees?
 499:11 A. There are.
 499:12 One of the other elements or
 499:13 components of our general CSMP as a
 499:14 regulatory affairs group is to do proactive
 499:15 reviews, and at times we will -- we will

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499:16 identify locations that we want to learn more
 499:17 about. We may see something in the data. It
 499:18 may just be the top dispensing location for a
 499:19 chain, it may be related to a particular base
 499:20 code, it may be related to something. But we
 499:21 will reach out proactively to the chain
 499:22 teams, and we expect -- our expectation is
 499:23 that we learn why that might be different.
 499:24 And many times the chains will
 499:25 be able to explain to us why -- why, you
 500:1 know, they're different or they may look
 500:2 different. They may be associated with
 500:3 long-term care or something like that. But
 500:4 we reach out to them.
 500:5 At times we've also learned
 500:6 that chains have benefitted from that
 500:7 information in terms of the shutting off a
 500:8 doctor or a prescriber or going in to
 500:9 re-review policies with the teams. And so
 500:10 they oftentimes, you know, take our word and
 500:11 go out and establish action plans on their
 500:12 side of the business.

198:19 - 199:4

Hartle, Nathan 08-01-2018 (00:00:16)

NH02.232

198:19 Q. No. You round it up because
 198:20 that increases the threshold, and that
 198:21 reduces the risk that they're going to bump
 198:22 up against the threshold and reduce the
 198:23 chance that you're going to have to actually
 198:24 conduct an investigation on somebody as
 198:25 valuable of a customer such as Rite Aid,
 199:1 right?
 199:2 You're jacking the thresholds
 199:3 up as high as you can; isn't that what you're
 199:4 doing?

199:6 - 199:6

Hartle, Nathan 08-01-2018 (00:00:00)

NH02.233

199:6 THE WITNESS: No.

207:5 - 207:8

Hartle, Nathan 08-01-2018 (00:00:09)

NH02.234

207:5 Q. That's not what the US Attorney
 207:6 in Colorado put in the allegations against
 207:7 your company, was it? That's not -- that

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207:10 - 207:17	<p>207:8 wasn't -- that wasn't the allegation, was it?</p> <p>Hartle, Nathan 08-01-2018 (00:00:13)</p> <p>207:10 THE WITNESS: No. That's not</p> <p>207:11 the language in there, no.</p> <p>207:12 QUESTIONS BY MR. RAFFERTY:</p> <p>207:13 Q. And in fact, that Aurora</p> <p>207:14 conduct in that particular letter was part of</p> <p>207:15 the 2017 settlement that resulted in the</p> <p>207:16 \$150 million fine that McKesson paid,</p> <p>207:17 correct?</p>	NH02.235
207:19 - 207:25	<p>Hartle, Nathan 08-01-2018 (00:00:08)</p> <p>207:19 THE WITNESS: It was one of the</p> <p>207:20 allegations that led to the ultimate</p> <p>207:21 settlement.</p> <p>207:22 QUESTIONS BY MR. RAFFERTY:</p> <p>207:23 Q. Right.</p> <p>207:24 That you -- that McKesson</p> <p>207:25 accepted responsibility for, correct?</p>	NH02.236
208:2 - 208:2	<p>Hartle, Nathan 08-01-2018 (00:00:00)</p> <p>208:2 THE WITNESS: Correct.</p>	NH02.237
501:15 - 501:24	<p>Hartle, Nathan 08-01-2018 (00:00:26)</p> <p>501:15 Q. All right. From 2008, you'll</p> <p>501:16 agree with me, though, that your company,</p> <p>501:17 McKesson, made an awful lot of mistakes that</p> <p>501:18 fed and created the opioid epidemic for many,</p> <p>501:19 many years, correct?</p> <p>501:20 If we went through all of those</p> <p>501:21 today, it resulted in two settlements in 2008</p> <p>501:22 and one in 2017, based on numerous, numerous</p> <p>501:23 failures to provide suspicious order reports,</p> <p>501:24 correct?</p>	NH02.238
502:1 - 502:4	<p>Hartle, Nathan 08-01-2018 (00:00:04)</p> <p>502:1 THE WITNESS: Similar to what's</p> <p>502:2 in the most recent settlement, we</p> <p>502:3 acknowledged, you know, certain</p> <p>502:4 things.</p>	NH02.239
504:8 - 504:12	<p>Hartle, Nathan 08-01-2018 (00:00:12)</p> <p>504:8 Q. Well, when you say you're not</p> <p>504:9 perfect, I mean, for many years, many, many</p> <p>504:10 years, that we went through with the failure</p>	NH02.240

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504:14 - 504:15

504:11 to report suspicious orders, it was far from
504:12 being perfect, wasn't it? Wasn't even close?
Hartle, Nathan 08-01-2018 (00:00:01)
504:14 THE WITNESS: I understand
504:15 there was some shortcomings, sure.

NH02.241

Plaintiffs Affirmative Designations = 01:12:22

Defense Counter Designations = 00:03:51

Defense Completeness Counters = 00:07:23

Our Counter Counters = 00:01:36

Total Time = 01:25:12